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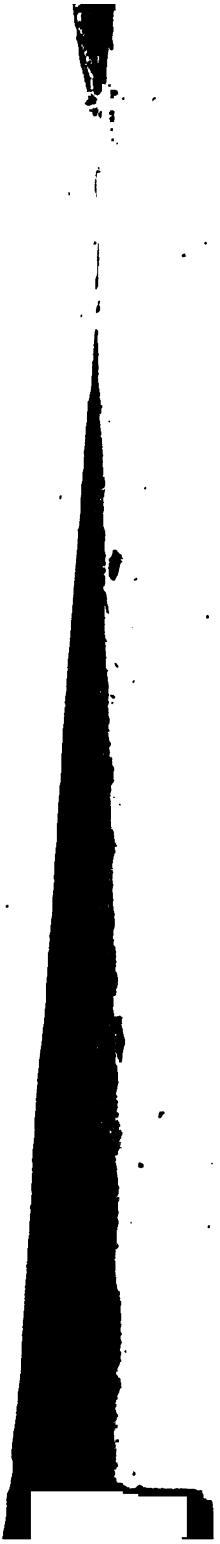


THE

Magistrate's Manual;

OR,

A SUMMARY

OF THE

DUTIES AND POWERS

OF

A JUSTICE OF THE PEACE,

CAREFULLY COMPILED FROM

THE BEST AUTHORITIES;

WITH

EXTRACTS FROM ADJUDGED CASES AND THE STATUTES

TO THE 56TH GEORGE III. 1816.

WITH

A COPIOUS COLLECTION OF

Precedents of Summonses, Warrants, Convictions, &c.

THE SECOND EDITION,

WITH VERY CONSIDERABLE ADDITIONS.

BY WILLIAM TOONE,

ATTORNEY AT LAW, AND CLERK TO THE MAGISTRATES

ACTING FOR THE DIVISION OF NEW BRENTFORD, MIDDLESEX.

London:

PRINTED FOR JOSEPH BUTTERWORTH AND SON.

1817.

THE

[illegible]

OR,

A [illegible]

OF THE

JUSTICE AND CONSTABLE

OF

A JUSTICE OF THE PEACE,

(CAREFULLY COMPILED FROM

THE BEST AUTHORITIES;

WITH

[illegible] CIVIL AND THE STATUTES

TO THE 59TH GEORGE III. 1819.

WITH

A COPIOUS COLLECTION OF

[illegible]

TO

WILLIAM WATSON, ESQ.

CHAIRMAN OF THE QUARTER SESSIONS,

FOR THE

COUNTY OF MIDDLESEX,

&c. &c. &c.

WHOSE ABILITY AND INTEGRITY

ARE UNQUESTIONABLE PLEDGES

FOR HIS FAITHFUL ADMINISTRATION OF JUSTICE

IN THAT DISTINGUISHED SITUATION,

THE FOLLOWING WORK

IS WITH MUCH RESPECT

INSCRIBED

BY

THE AUTHOR.

PREFACE.

THE rapid sale of a large impression of this Work has confirmed the Author's opinion of its practical utility. A Second Edition within a short period, affords a decisive proof of the estimation in which it is held by Magistrates and others, as a Manual suited to the despatch of business at Petty Sessions, &c. where facility of reference and Forms *adapted* to all occasions are so indispensably requisite.

The utmost care and attention have been used to render the various Precedents correct and applicable to their several purposes; and the Author is much flattered in finding that an eminent Writer on *Criminal Law* has borne testimony to their utility and accuracy by adopting them in his recent valuable Work on that subject.

It has been thought proper in this Edition to introduce much new matter, and to notice some

Acts of Parliament, which though local and on that account omitted in the first Edition, were from their extensive operation considered necessary to render this Publication complete.

These and other additions have enlarged the bulk of the Volume; but it is hoped that it will thereby be rendered more generally useful and more acceptable to the Magistracy and the Public.

The Author cannot omit this opportunity of acknowledging his obligations to SAMUEL PURRIS, Esq. of Hampstead, a very active and intelligent Magistrate, for much kind assistance and many valuable suggestions during the progress of the Work.

Cursitors Street,
Jan. 1817.

EXPLANATION OF ABBREVIATIONS.

Atk. .....Atkyn's Reports
Bac. Abr......Bacon's Abridgement.
Barnard. .....Barnardiston's Reports.
Barnes.....Barnes's Notes.
Black. Rep. and *H. Bl.* .....} Blackstone's Reports.
Bos. and Pull.....Bosanquet and Puller's Reports in Common Pleas.
Bott. .....Bott's Poors' Law, by Const.
Buller N. P. ....Buller's Nisi Prius.
Bulstr......Bulstrode's Reports.
Bur. Rep......Burrow's Reports.
Burn. .....Burn's Justice of the Peace.
Burr. Sett. Ca. and *B. S.*.....} Burrows's Settlement Cases.
Cald......Caldecott's Reports on Settlement Cases.
Campb. Rep. ....Campbell's Reports.
Chitty App......Chitty on Apprentices.
Co. Litt......Coke upon Littleton.
Comb. .....Comberbach's Reports.
Comm. .....Blackstone's Commentaries.
Cowp. .....Cowper's Reports.
Cro. Eliz......Croke's Reports *temp. Eliz.*
Cro. Jac. .....Croke's Reports *temp. James.*
Cro. Car. .....Croke's Reports *temp. Charles.*
Cromp. J. P. ....Crompton's Justice of the Peace.
Dalt......Dalton's Justice.
Doug. .....Douglas's Reports.
Dyer......Dyer's Reports.
East. Rep. .....East's Term Reports.
Esp. .....Espinasse's Reports.
Fitz. N. B. .....Fitzherbert's *Natura Brevium.*
Foley.....Foley's Poor Laws.
Fort. .....Fortescue's Reports.
Hale's Hist. and *H. H.* .....} Hale's Hist. *Placita Coronæ.*

Haw. .....Hawkins's Pleas of the Crown.
Inst. .....Coke's Institutes.
Keb. .....Keble's Reports.
Lamb. .....Lambard's Justice.
Leach. .....Leach's Modern Reports.
Lil. Abr. .....Lilly's Abridgement.
Ld. Ray. .....Lord Raymond's Reports.
Loft. .....Loft's Reports.
Maul. and Sel.....Maule and Selwyn's Reports.
Mod. Rep......Modern Reports.
Moore. .....Moore's Reports.
Nolan. .....Nolan's Poors' Law.
Paley. .....Paley on Convictions.
Plow. .....Plowden's Treatise on Tithes.
Ritson's Off......Ritson's Office of Constable.
Roll. Abr......Rolle's Abridgement of Cases.
Salk. .....Salkeld's Reports.
Sayer. .....Sayer's Reports.
Sess. Ca. .....Sessions Cases.
Str. .....Strange's Reports.
Sum. .....Summary of Penal Laws.
T. R......Term Reports, by Durnford and East.
Tom. Dict. .....Tomlin's Law Dictionary.
Viner. .....Viner's Abridgement.
Williams.....Williams's Justice of the Peace.
Willis. .....Willis's Reports.
Wils......Wilson's Reports.
Wood's Inst. ....Wood's Institutes.

The Magistrate's Manual.

ACCESSARY BEFORE THE FACT.

AN accessary is one guilty of felony, not as a principal, but by participation, command, advice, or concealment. In high treason there are no accessaries, all concerned are principals; so in petit larceny and misdemeanors there can be no accessaries either before or after the fact, but all parties implicated, if guilty, are principals.

An accessary before the fact is, as Hale defines, one who being absent at the time the crime is committed, doth yet procure, counsel, or advise the commission of it, and his absence is necessary to constitute him an accessary before the fact. By Stat. 3 and 4 Wm. III. in *Burglary* benefit of clergy is taken away from accessaries before the fact.

Affidavit of the Party to ground a Warrant for apprehending an Accessary before the Fact.

A. B. of —— in the county of —— gent. maketh oath and saith, that on —— the —— day of —— last, his dwelling house, situate in the parish of —— in the said county, was, about the hour of nine in the night of the same day, feloniously and burglariously broken and entered by some person or persons, and that [*describe the property stolen*] his property, were then and there feloniously stolen, and that he hath just cause to suspect, and doth suspect, that C. D. late of —— aforesaid, labourer, did commit the said felony and burglary, and that E. F. late of —— aforesaid, labourer, did advise, aid, and abet the said C. D. in the said felony.

Sworn, &c. A. B.

Warrant thereon.

To the Constable of the parish of —— in the county of —— and all other His Majesty's Peace Officers within the said County.

—— to wit. Whereas A. B. of —— in the said county of —— gent. hath this day made oath before me, W. S. Esq. one of His Majesty's justices of the peace in and for the said county, that [*here state the fact as set forth in the affidavit.*] These are therefore, in His Majesty's name, to charge and command you, forthwith, to apprehend and bring before me, the said C. D. and E. F. to answer the said complaint, and to be further dealt with according to law. Given under my hand and seal, this —— day of —— 1817.

Commitment.

To the Keeper of the Common Gaol of Newgate, or his Deputy.

Receive into your custody the bodies of C. D. and E. F. herewith sent you, brought before me, W. S. Esq. one of His Majesty's justices of the peace in and for the said county, by K. L. constable of the parish of —— charged

upon the oath of A. B. with [*here state the offence*], and them safely keep in your custody until they shall be discharged by due course of law. Given under my hand and seal, at —— this —— day of —— 1817.

ACCESSARY AFTER THE FACT.

An accessary *ex post facto*, is one who knowing a felony to have been committed, receives, harbours, or assists the felon; and any assistance given to a felon, to hinder his apprehension, trial, or punishment, makes the person assisting an accessary after the fact. To buy or receive stolen goods, knowing them to be so, is an offence of this sort, and by Stat. 5 Anne, c. 31, and 4 Geo. I. c. 11, all such receivers may be transported for fourteen years.

Accessary, by Stat. 43, Geo. III. c. 113, s. 5, may be tried in the county where he was accessary, or where the felony was committed; but the party once tried, shall not be again indicted, prosecuted, or tried in any court whatsoever.

Accessaries, by a mild construction of the Statutes of Westminster, 3 Edw. I. c. 15, have been admitted to bail, upon reputed good character; but where strong presumption of guilt is manifest, no bail should be admitted. 2 Hawk. c. 15, s. 53.

An accessary, on his trial, after conviction of the principal, may controvert the guilt of the latter. Leach, 237. The receiving bank notes, knowing them to be stolen, is not felony; neither is money, not being goods and chattels within the meaning of

the Statute against receiving stolen goods. Morris's case, Leach, 368, and see Bacon's Abr. and Burn's Just. title "*Accessary.*"

Warrant to apprehend an Accessary after the Fact, for harbouring the Principal.

—— to wit. Whereas N. O. of —— stands charged before me, J. C. Esq. one of His Majesty's justices of the peace in and for the said county, on the oath of A. B. with having [*state the offence as in the preceding affidavit.*] And whereas P. Q. hath this day also made oath before me, that T. T. of —— aforesaid, yeoman, since the said felony and burglary was committed, hath received, harboured, and maintained him, the said C. D. in the dwelling house of him the said T. T. at —— aforesaid, he, the said T. T. well knowing the said C. D. to have committed the said felony and burglary. These are therefore to command you forthwith to apprehend and bring before me, at this place, the body of the said T. T. to answer to the said charge, and to be further dealt with according to law. Given under my hand and seal, at —— in the said county, this —— day of —— 1817.

Warrant to apprehend an Accessary after the Fact, for receiving Stolen Goods.

To the Constable of the parish of —— [*as before.*]

—— to wit. Whereas A. B. hath this day made oath before me, S. P. Esq. one of His Majesty's justices of the peace, in and for the said county, [*here state the facts as in the first affidavit*] and also that the said A. B. hath cause to suspect, and doth suspect, that J. J. of —— in the said county, labourer, hath feloniously bought and received the said [*the property stolen*] knowing the same to have been feloniously stolen. These are therefore to command you [*see last precedent.*]

ACTION.

No action can be brought against a justice of the peace for any thing done by him by virtue of his office, until notice in writing of such intended writ or process shall have been delivered to him, or left at his usual place of abode, or served at least one calendar month before the suing out or serving the same, in which notice must be clearly and explicitly contained the cause of action which the party suing claims to have against such justice; and on the back of such notice shall be indorsed the name and place of abode of the plaintiff's attorney or *agent*, 24 Geo. II. c. 44, s. 1. Although personal service of the notice is to be preferred, yet it has been determined, 4 T. R. 465, that leaving it at the dwelling house is sufficient. The party may give the notice in his own name, or in the name of his attorney; but the particular writ intended to be issued must be stated, and it must be served one full calendar month previous to such writ being issued. It is necessary to be particular in describing the offence, as no evidence can be given by the plaintiff of any cause of action, except such as is contained in the notice; a general notice of an action for an assault and false imprisonment is bad, 7 T. R. 631. The action must be commenced within six calendar months after the act

committed, and must be brought in the county where the grievance complained of arose.

It has been held that an action of replevin for goods taken by a parish officer under warrant of distress, is not such an action as requires previous notice under the act to be given to the party. East. Rep. 283.

No action shall be brought against any constable, or any officer acting by his order, for any thing done in obedience to any warrant of a justice, until demand made or left at his usual place of abode by the party intending to bring such action, or by his attorney or agent, in writing, signed by the party demanding the same, of a perusal and copy of the warrant, and that the same hath been refused or neglected for six days after such demand.

It has been considered that constables, headboroughs, excise officers, collectors of taxes, &c. acting under a warrant, are entitled to notice, under the act 43 Geo. III. c. 99, s. 70.

Notice of Action from the Attorney of the Party to a Justice of the Peace, for false Imprisonment.

To A. B. one of His Majesty's Justices of the Peace, acting in and for the county of ——.

Sir,

I do hereby, as the Attorney of C. D. of —— gent. give you notice, according to the form of the Statute in that case made and provided, that I shall, at or soon after the end of one calendar month from the time of the service of

this notice upon you, cause a writ of latitat to be sued out of His Majesty's Court of —— at Westminster, against you, at the suit of the said C. D. for false imprisonment; for that you, on or about the —— day of —— last, by warrant under your hand and seal, dated the —— day of —— did cause the said C. D. to be apprehended and conveyed to the common gaol of Newgate, [*or as the case may be*] and to be there imprisoned, and kept and detained there, without any reasonable or probable cause, for a long time, to wit, for the space of —— then next following. Dated this —— day of —— 1817.

Yours, &c.

E. F. Attorney for the said C. D.

Notice of Action to an Excise Officer, by the Attorney of the Party, for Seizing Goods.

To A. B. and C. D. Officers of His Majesty's Excise.

You having, on or about the —— day of—— last, as officers of His Majesty's Excise, unlawfully seized, taken, and carried away a large quantity of soap, to wit, 200lb. weight, belonging to A. B. of —— and being of a large value, to wit, of the value of £. —— and converted and disposed thereof to your own use; I do hereby, as the attorney for the said A. B. in this behalf, according to the form of the Statute in such case made and provided, hereby give you notice that I shall, at or as soon after the expiration of one calendar month from the time of your being served with this notice cause a writ of —— to be sued out of His Majesty's Court of —— at Westminster, against you, at the suit of the said A. B. for the said trespass, and shall proceed against you thereupon according to law. Dated, &c.

Yours, &c.

C. D. Attorney for the said A. B.

The like for stopping and detaining in Custody a Horse and Cart.

To A. B. and C. D. &c.

I do hereby, as the attorney of and for E. F. according to the form of the Statute in such case made and provided, give you notice that I shall, at or soon after the expiration of one calendar month from the time of your being served with this notice, cause a writ of —— to be sued out of His Majesty's Court of —— at Westminster, against you, at the suit of the said E. F. for that you, the said A. B. and C. D. on the —— day of —— last, with force and arms seized a certain horse of the said E. F. of great value, which was then passing in and along the King's highway, and drawing a certain cart of him the said E. F. of a large value, wherein he was then riding and going in and about his lawful and necessary affairs and business; and without the license or consent, and against the will of the said E. F. stopped and detained him and his said horse and cart for a long space of time, to wit, for the space of —— during which time he the said E. F. not only lost and was deprived of the use and benefit of his said horse and cart, but was hindered and prevented from doing and transacting his lawful and necessary affairs and business; and also for that you [*if the facts are so*] the said A. B. and C. D. on the said —— day of —— last, with force and arms assaulted, beat, wounded, and ill-treated the said E. F. and imprisoned him, and kept and detained him in prison, without any reasonable or probable cause whatsoever, for a long space of time, to wit, for the space of —— contrary to the laws and customs of this realm, and against the will of the said E. F. and rent, tore, damaged, and spoiled his clothes, of a large value, which he then wore and had on, and other wrongs to the said E. F. did to his great damage, and against the peace of our Lord the King. Dated this —— day of —— 1817.

Yours, &c.

W. T. Attorney for the said E. F.

The like to Collectors of Taxes for an illegal Distress.

To A. B. and C. D. of —— acting under colour and pretence of being Collectors of Taxes for the parish of ——

I, —— of —— in the county of —— do hereby, as the attorney of and for E. F. of —— in the county of —— gent.

according to the form of the Statute, &c. give you notice, [*as in the last precedent*] for that you the said A. B. and C. D. on the —— day of —— last, to wit, at —— in the county of —— with force and arms, &c. seized and took certain horses, mares, geldings, and sheep, to wit, 10 horses, 10 mares, 10 geldings, and 50 sheep, of the said E. F. of great value, to wit, of the value of £500, and then and there impounded the said horses, mares, geldings, and sheep, and kept and detained the same so there impounded for a long space of time, to wit, for the space of —— then next following, and until the said E. F. was, in order to get back and regain possession of the said horses, mares, geldings, and sheep, forced and obliged to pay to you the said A. B. and C. D. a large sum of money, to wit, the sum of £500, at the parish aforesaid, and county aforesaid. And also for that you the said A. B. and C. D. on the said —— day of —— in the year aforesaid, with force and arms, &c. to wit, at the parish aforesaid, in the county aforesaid, seized, took, and drove away certain other horses, mares, geldings, and sheep, to wit, 10 other horses, 10 other mares, 10 other geldings, and 50 other sheep, of the said E. F. of great value, to wit, of the value of £500 of lawful money of Great Britain, there then found and being, and converted and disposed thereof to your own use; and other wrongs to the said E. F. did to his damage of £500, and against the peace of our Lord the King. Dated, &c.

Yours, &c.

W. T. Attorney for the said E. F.

Demand on a Constable of perusal and Copy of his Warrant.

To Mr. C. D.

I do hereby, as the attorney of and for A. B. of —— &c. according to the form of the Statute, &c. demand of you the perusal and copy of the warrant, by virtue or under colour whereof you did, on or about the —— day of —— last, apprehend the said R. P. and carry and convey him in custody in and to and before S. P. Esq. one of His Majesty's justices of the peace in and for the county of ——. Dated, &c.

Yours, &c.

W. T. Attorney for the said A. B.

The like on a Gaoler.

To Mr. A. B.

I do hereby, as the attorney for E. F. of —— &c. according to the form of the Statute, &c. demand of you the perusal and copy of the warrant of commitment and detainer, under which you received into your custody the said E. F. on or about the —— day of —— last, and kept and detained him in custody for the space of —— then next following. Dated, &c.

Yours, &c.

W. T. Attorney for the said E. F.

It seems proper that constables should retain their warrants, and not return them to the magistrate, otherwise they cannot comply with the directions of the act. See further post. under title "*Justices of Peace*" and "*Constable.*"

AFFIDAVITS.

Affidavits should be in writing, particularly if intended as the ground of further proceedings, and the time, place of abode, and addition of the party making it, should be inserted, 1 Lill. Abr. 44, 46. May be on unstamped paper if taken before a magistrate, who is not authorized to take voluntary affidavits except judicially.

Affidavit of the Overseer of the Poor [or some other person who can testify the fact] *that a Woman brought to bed of a bastard Child had not been delivered a month, to enable the parish to move the Quarter Session to continue the reputed Father on his recognizance till the next Session.*

—— to wit. A. B. of —— in the county of —— yeoman, maketh oath and saith, that he is one of the overseers of the

poor of the parish of —— and that E. E. of the said parish, single woman, on the —— day of —— in the year of our Lord, 1817, was delivered of a male bastard child, in the said parish of —— and which said child is now chargeable to the said parish, and that no order of filiation hath been made, nor hath a month elapsed since her delivery.

A. B.

Sworn at —— in the county of —— the —— day of —— 1817, before me, S. P.

Affidavit of service of a Summons to ground a Warrant for Disobedience.

A. B. of —— in the county of —— constable of the said parish, maketh oath and saith, that on —— the —— instant, he personally served C. D. with a true copy of the summons hereto annexed, at his dwelling house, situate in the parish of —— aforesaid, and at the same time informed the said C. D. of the intent and meaning thereof.

Sworn, &c. A. B.

Affidavit of being prevented by Illness from attending the Session, [to be made by a medical man if convenient] *in order to move to continue the party on his recognizance.*

—— to wit. A. B. of —— in the said county, surgeon, maketh oath and saith, that C. D. of —— yeoman, is confined to his house by severe illness, and that this deponent saw the said C. D. yesterday, and verily believes he is incapable of travelling without manifest danger of his life.

Sworn, &c, A. B.

AFFRAY.

An affray signifies a fighting or skirmish between two or more persons in public, and there must be a stroke given or offered to constitute an affray. 3 Inst. 158. If it happen in private it is not an

affray, though it may be an assault. No quarrelsome or threatening words will amount to an affray, yet a constable may carry the threatener to a justice, to find securities for the peace. Leach's Hawkins, 1 cap. 63, and 2 cap. 10.

A magistrate, and even a constable, or private person, may endeavour to suppress an affray, and may imprison, *ex officio*, the parties until security be given for the peace; but neither a magistrate or constable can authorize the arrest or detention of an affrayer, if the offence be committed out of their view, without a warrant. Though this is a bailable offence, a magistrate should be circumspect in taking bail, if either of the parties are dangerously wounded. 1 Hawk. c. 63.

Affrays are punishable by fine and imprisonment, at the discretion of the judge. See Keble's Reports, 694. 9 Anne, c. 14, s. 8, and Hawkins, c. 63. Cro. Eliz. 405. 3 Inst. 142.

Affidavit to ground a Warrant to apprehend Affrayers.

A. B. of —— in the county of ——, —— maketh oath and saith, that on the —— day of —— in the year of our Lord, 1817, C. D. of —— labourer, E. F. of —— labourer, and G. H. of —— yeoman, did, in a tumultuous manner, and with force and arms make an affray, to the terror of His Majesty's subjects then and there being, wherein the said A. B. was assaulted, beaten, and abused by the said C. D. E. F. and G. H. without any just or reasonable cause.

Sworn, &c. A. B.

Warrant to apprehend Affrayers.

—— to wit. Whereas complaint hath been made before me, S. P. Esq. one of His Majesty's justices of the peace in and for the said county of —— upon the oath of A. B. of —— in the said county, that [*here state the substance of the complaint, as set forth in the affidavit*]. These are therefore, in His Majesty's name, to charge and command you forthwith to apprehend the said C. D. E. F. and G. H. and bring them before me, or some other of His Majesty's justices of the peace for the said county of —— to answer the premises, and to find sureties, as well to keep the peace towards the said A. B. as to appear at the next general quarter session of the peace, to be held at —— in and for the said county, to answer such indictment as shall be preferred against them by the said A.B. for the said offence. Given under my hand and seal, this —— day of —— 1817.

ALEHOUSE.

By Stat. 26, Geo. II. c. 31, no victualler's license shall be granted but on the 1st of September yearly, or within twenty days after, and such license shall be for one year from the 29th of September; and the day and place for granting licenses shall be appointed by two or more magistrates acting for the division, by warrant under their hands and seals, at least ten days previous to the meeting, and all licenses granted at any other time and place shall be void, 3 T. Rep. 569, but this does not extend to alter the time for granting licenses in cities or corporate towns.

And by the same Statute no license shall be granted to any person not licensed at the general

licensing day, without a certificate signed by the minister and the majority of the parish officers, or else three or four householders, stating such person to be of sober life and conversation. It has been decided that it is not material that the minister, &c. should sign the certificate, but if signed by three or four substantial householders it is sufficient. 1 Burr. Rep. 557.

No justice of the peace being a common brewer of ale or beer, innkeeper or distiller, or interested in any of the said trades, or seller or dealer in spirituous liquors, or a victualler or maltster, shall have power to grant licenses for selling ale, beer, or other liquors by retail, 26 Geo. III. c. 13, s. 12; but where it shall happen that justices in towns corporate are rendered incapable for the reasons aforesaid to grant licenses, then any justice acting for the county at large, within which such place is situate or next adjoining thereto, may at the request in writing of the chief magistrate of such place, act for the purpose of granting licenses, 39 Geo. III. c, 86, s. 3.

Recognizances to be taken by justices from victuallers, the party in £10. and two sureties in £5. each, or one in £10. but if sickness or other reasonable cause is shewn, the justices may take two sureties only in £10. each, which recognizance must be returned by the justices' clerk to the quarter session to be filed.

Victuallers doing any act to forfeit their recog-

nisances, and being convicted, the license is void, and they are rendered incapable of holding another for three years. 26 Geo. II. c. 31.

The justices have a discretionary power to grant or refuse licenses, and no mandamus will lie to compel them to grant one, 2 Strange. 881, but an information will lie if they act oppressively, or with corrupt views, Rex. v. Young and Pitt, 1 Burr. 561, and an information will also lie against a justice for granting a license improperly. The King v. Filewood, E. Term, 26 Geo. III.

The justices' license only applies to the house licensed.

By Stat. 48 Geo. III. c. 143, the stamp duty on licenses is repealed, and an excise license for the sale of *rum*, cyder, &c. must be taken out within ten days after the justices' license; and the duration of such license is limited to the 10th of October next after the granting thereof.

No license can be granted to any house, the occupier whereof was not licensed at the general licensing day next before the petty sessions, held for empowering the executors, &c. of persons dying, or a new tenant on the last occupier removing, to carry on the trade during the continuance of the original license, 32 Geo. III. c. 59, s. 4, 5, and 48 Geo. III. c. 143; and such executor or assignee may sell under such former license, on producing a certificate of a justice of the peace approving thereof, and entering into the usual recognizance; and

within Middlesex and Surry, the justices at their general licensing meetings shall appoint not less than six nor more than eight special days of meeting annually, at equal periods, for the purpose of granting licenses to such new tenants, or occupiers, of which meetings due notice must be given.

Justices of the peace acting in and for the county, though not resident in the division, are competent to grant licenses to victuallers, the Court of King's Bench having determined generally that any justice of the county going to a meeting in the division, is for that purpose a justice of the division, Cald. Cas. 305.

By 35 Geo. III. c. 113, the penalty for selling ale or other exciseable liquors without license, is £20. and costs of conviction; on second conviction rendered incapable of holding a license, s. 1, and one justice, upon the oath of one witness may convict, s. 10; but justices may mitigate the penalty to £10. and penalties must be sued for and determined within six months after offence, s. 16, and if the party convicted do not at the time of conviction, if present, or within three days after notice personally served on him, or left at the place where the offence was committed, pay the penalty and costs, to be ascertained by the justice, then a warrant of distress may issue. *Exception*, by 38 Geo. III. c. 54, no person is liable to the penalty for selling beer or ale in casks of not less than five gallons, or in

bottles not less than two dozen, and not drank in his house, s. 13.

Distress may be sold within four days, and the officer is to be allowed 5s. a day, and his assistant 2s. a day if necessary. Half the penalty to the informer, and the other half to the poor of the parish; and if no sufficient distress, the justice may commit for not more than six nor less than three calendar months.

Penalty on *witnesses* not attending summons, £10. (to the poor) to be recovered by distress, or committed for six months.

Personal service of summons to answer informations for selling liquors by retail without license not necessary; leaving it at the place where the offence was committed, and affixing a copy on the door, is sufficient.

Appeals are allowed to the next quarter session, unless held within six days after conviction, and if so, then to the subsequent quarter session, whose determination is final.

The act 35 Geo. III. c. 113, does not prohibit the selling of ale or beer in Fairs.

Alehouse keepers are liable to a penalty of 10s. for suffering tippling, 1 James I. c. 9, s. 1, 2, and are disabled for three years to keep any alehouse; to be recovered by distress, or committed till paid, s. 3.

Every person convicted of drunkenness within six months from the time of committing the offence, shall forfeit 5s. to be paid within one week

after conviction to the churchwardens, or in default a warrant of distress may issue, and if the party is not able to pay, he may be committed to the stocks for six hours. Constable neglecting his duty to forfeit 10s. to the poor.

Any person convicted a second time of drunkenness, to be bound with two sureties in £10. for his good behaviour, s. 3. One justice, by 21 James I. c. 7, may, on his own view, by confession of the party, or proof by one witness, convict.

Alehouse keepers, by 30 Geo. II. c. 24, to forfeit 40s. for suffering apprentices, servants, &c. to *game*, and for second offence £10. to be levied by distress, one fourth of the penalty to the informer, and the remaining three-fourths to the churchwardens.

Apprentices, servants, or journeymen found *gaming* in any place where liquors are sold, upon complaint on oath, and if convicted on the evidence of one witness, shall forfeit not exceeding 20s. nor less than 5s. as the justice shall think fit, and for non-payment may be committed to the House of Correction for one month, to hard labour, or until the penalty is paid, s. 10.

Persons retailing ale and beer must sell the same by a full quart or pint, according to the Exchequer standard, on forfeiture of not more than 40s. nor less than 10s. 11 and 12 Wm. III. c. 15, to be recovered by the oath of one witness before one justice, by warrant of distress, s. 6.

By 24 Geo. II. any retailer of spirituous liquors, with or without a license, who shall take any pledge for payment of such liquors, shall forfeit 40s. for every pledge, to be levied by warrant of one justice, one moiety to the informer, and the other to the poor, s. 12.

For the remedies against innkeepers and victuallers, for offences, &c. not cognizable by magistrates, and for their remedy against their guests, &c. see 3 Bacon's Abr. 186—8 Mod. Rep. 172,—1 Str. 557,—and East's Reports.

For directions respecting the quartering soldiers, &c. on victuallers, see the *latest* Mutiny Act, which is passed annually.

Precept to the High Constable, to issue Warrants to the Petty Constables to summon Alehouse-keepers to be Licensed.

To A. B. gentleman, High Constable of the Hundred of —— in the said county.

—— to wit. In pursuance of the several acts of parliament in that case made, these are to require you, on sight hereof, to issue out your warrants to all petty constables belonging to the several parishes, precincts, and places within your hundred, according to the form hereon indorsed [*or hereto annexed*]. Given under our hands and seals, the —— day of —— 18 7.

W. S.
J. C.

Form of the High Constable's Warrant.

To the Constable of the parish of ——.

—— to wit. By virtue of a warrant from His Majesty's justices of the peace, acting in and for the division of —— in the said county, directed to me, you are hereby required to

give notice to all licensed alehouse keepers and inn-keepers, within your division, and also to all persons unlicensed (so far as the same shall come to your knowledge), who intend to offer themselves to be licensed at the next general meeting of the said justices for that purpose, that they personally be and appear before the said justices, at —— on —— the —— day of September next ensuing, at the hour of eleven in the forenoon of the same day, to take or renew their licenses for the year ensuing; and also to give them notice that every person then and there to be licensed, must personally enter into a recognizance in the sum of £10. together with two sureties in £5. each, or one surety in £10. that they will not use or suffer any unlawful games, and that they will keep good rule and order within their respective houses and other places; and if any should be hindered by sickness or other reasonable cause, to be allowed by the said justices, that he must procure two sureties then and there to be bound in like manner in £10. each.

And unto such persons as have not been licensed for the year preceding, you are further to give notice, that no license will be granted to any one, unless he shall also, at the same time and place, produce a certificate, under the hands of the minister and the major part of the churchwardens and overseers, or else of three or four respectable and substantial housekeepers of the place where he inhabiteth, setting forth that he is of good fame, and of sober life and conversation.

And you are to make a return to the said justices, at the same time and place, in writing, under your hand, containing the names of all such persons as you shall have summoned to appear before them as aforesaid, together with their dwelling places, and the signs by which their houses are known. Herein fail not. Given under my hand, at —— in the said county, this —— day of —— 1817.

A. B. High Constable.

Certificate of the Minister, &c. to enable the Justices to grant a Transfer of a Victualler's License.

To the worshipful the Justices of the Peace, acting in and for the division of —— in the county of ——.

We, the undersigned minister, churchwardens, overseers of the poor, and inhabitants of the parish of —— in

the county of ——, do hereby certify that A. B. of —— in the said county, yeoman, is a person of good fame and reputation, and of sober life and conversation. Witness our hands, this —— day of —— 1817.

C. D. Minister.

E. F. } Church or Chapel-wardens.
G. H. }

J. K. } Overseers.
L. M. }

N. O, &c. Inhabitants.

Certificate for the General Licensing Day.

—— to wit. We, the minister, churchwardens, overseers, and other substantial householders and inhabitants of the parish of —— in the said county, do hereby certify the good behaviour of A. B. who keeps the house known by the sign of the —— in the said parish, and that we have heard of no disorderly behaviour or unlawful games being suffered in the said public house, since the last general licensing day of victuallers for this division, and believe him to be a person of good fame, and sober life and conversation, and therefore we have no objection to his having a license to the said house, if your worships so please. Given under our hands, this —— day of —— 1817.

Allowance of Certificate.

—— Division of ——. We, two of His Majesty's justices of the peace for the county of —— acting in and for the division of —— in the said county, having this day granted a continuance of the license to the above house, do hereby attest that the above certificate was at the same time produced unto and allowed by us. Dated this —— day of —— 1817.

Victualler's Recognizance taken at the General Licensing Day.

—— Division, —— to wit. At a general meeting of His Majesty's justices of the peace for the said county of ——

acting in and for the division of —— in the county aforesaid, holden at the house known by the sign of the —— in —— in and for the said division, on —— the —— day of September, 1817.

A. B. of —— victualler, acknowledges to owe to our sovereign Lord the King, the sum of £10. C. D. of —— baker, acknowledges to owe to our sovereign Lord the King, the sum of £5. E. F. of —— gardener, acknowledges to owe to our sovereign Lord the King, the sum of £5. to be levied of their several goods and chattels, lands and tenements respectively, to the use of our said sovereign Lord the King, his heirs and successors, if the said A. B. shall make default in the condition underwritten.

Whereas the said A. B. is this day licensed to keep a common inn, alehouse, or victualling-house, and to utter and sell bread and other victuals, beer, ale, and other exciseable liquors, in the house wherein he now dwelleth, being the sign of the —— in the parish of —— within the division aforesaid, for one year, to commence on the twenty-ninth day of September instant. Now the condition of this recognizance is such, that if the said A. B. do and shall keep the true assize in uttering bread and other victuals, beer, ale, and other exciseable liquors, in his said house, according to the tenor, purport, and true meaning of the said license, so to him granted; and shall not have, permit, or suffer any playing at cards, dice, skittles, tables, bowls, or any other game or games, in his house, out-house, yard, garden, or backside, or other place or places, nor use any means or instruments for gaming or unlawful pastime, nor suffer any person to become drunk, or remain there tippling or drinking, contrary to law, nor suffer any disorder to be committed therein, but do maintain and keep good order and rule in the same, according to the laws of this realm, in that behalf made and provided, then the said recognizance to be void, otherwise to remain in full force.

Taken and acknowledged the day and year first above written, before us,

W. S.
J. C.

Victualler's License.

—— to wit. At a general meeting of His Majesty's justices of the peace, for the said county of —— holden at —— within the said county, on the —— day of September, for the purpose of authorizing and empowering persons to keep common inns, alehouses, or victualling houses.

We, His Majesty's justices of the peace, for the division of —— do hereby authorize and empower A. B. at the sign of the —— in the parish of —— in the county aforesaid, to keep a common inn, alehouse, or victualling house, and to utter and sell in the house in which he now dwelleth, and in the premises thereunto belonging, and not elsewhere, victuals, and all such exciseable liquors as he shall be licensed and empowered to sell under the authority and permission of any excise license which shall be duly granted by the commissioners of excise, or persons to be appointed or employed by them for that purpose, or by any collector and supervisor of excise respectively, provided that the true assize in bread, in beer, ale, cyder, and all other liquors, be duly kept, *and that no* unlawful game or games, or any drunkenness or other disorder, be suffered in his house, yard, garden, or premises, but that good order and rule be maintained and kept therein, according to the laws of this realm in that behalf made: The authority and power hereby granted to continue in force for one whole year from the twenty-ninth day of September, and no longer.

Signed, W. S.
J. C.

Victualler's Certificate for continuing the License granted at the general Licensing Day to a Person coming in after the death or removal of the late Occupier, by Stat. 48 Geo. III. c. 143, s. 6.

—— to wit. Whereas at a general meeting of His Majesty's justices of the peace, acting in and for the division of —— in the county of —— holden within the said county, in the month of September last, for the purpose of authorizing and empowering persons to keep common inns, alehouses, or

victualling houses within the said division, A. B. of the parish of —— within the said division, was duly authorized and empowered to keep a common inn, alehouse, or victualling house, and to utter and sell in the said house, known by the sign of the —— in the said parish of —— in which he then dwelt, and in the premises thereunto belonging, and not elsewhere, victuals, and all such exciseable liquors as he should be licensed and empowered to sell under the authority and permission of any excise license which should be duly granted by the commissioners of excise, or persons to be appointed and employed by them for that purpose, or by any collector and supervisor of excise respectively; provided that the true assize in bread, in beer, ale, cyder, and all other liquors should be duly kept, and that no unlawful game or games, or any drunkenness or other disorder should be suffered in his said house, yard, garden, or premises; but that good order and rule should be maintained and kept therein, according to the laws of this realm in that behalf made: The authority and power thereby granted to continue in force for one whole year, from the twenty-ninth day of the said month of September, and no longer.

And whereas it has been made appear unto me that the said A. B. duly obtained an excise license for the purposes and time aforesaid, and that the said A. B. is now removed from the said house: These are to certify, that I, being one of the justices of the peace acting within the said division, do approve of C. D. the person to whom this certificate is given, as a fit person to be authorized and empowered to sell beer and ale by retail, or cyder and perry, to be drank and consumed in the said house and premises where the said A. B. carried on his trade, during the residue of the term for which his license was originally granted.

Given under my hand, this —— day of —— 1817.

Information for selling Ale and Beer without a License.

—— to wit. Be it remembered, that this —— day of —— 1817, A.B. of —— yeoman, in his proper person, as well for His Majesty as for himself, maketh and exhibiteth to me, S.P. Esq. one of His Majesty's justices of the peace in and for the said county, his complaint and information, that on the —— day of —— now last past, and at divers times between that day and

the time of exhibiting this information and complaint, one C. D. of —— yeoman, at —— in the said county, did sell ale and beer, and other exciseable liquors, by retail, without being duly licensed so to do, whereby the said C. D. hath forfeited the sum of £20. and also the costs and expenses of convicting the said C. D. for the said offence, and that E. F. of —— is a material witness to be examined concerning the premises; whereupon the said A. B. who, as well for His said Majesty as for himself exhibiteth this information, prays judgment of me the said justice, in the premises, and that he may have one moiety of the said sum of £20. and also the costs and expenses of convicting the said C. D. of the said offence, according to the form of the Statute in that case made and provided, and that the said C. D. may be summoned to answer the said complaint and information, and the said E. F. to testify his knowledge of the premises.

Taken before me,

S. P.

Summons to the Party.

To the Constable of ——

—— to wit. Whereas complaint and information hath this day been made before me, S. P. Esq. one of His Majesty's justices of the peace in and for the said county, by A. B. of —— yeoman, stating, that on the —— day of —— now last past, and at several times between the said —— day of —— and the time of exhibiting his said complaint, one C. D. of —— in the said county, yeoman, at —— aforesaid, in the county aforesaid, did sell ale and beer, and other exciseable liquors, by retail, without being duly licensed so to do, and that E. F. of —— in the said county, is a material witness to be examined concerning the said premises: These are therefore, to require you forthwith, on receipt hereof, to summon the said C. D. personally to be and appear before me, at —— in the said county of —— on —— the —— day of —— at the hour of —— in the forenoon of the same day, to answer the said complaint of the said A. B. who is likewise directed to be there, to make good the same. And be you then and there to certify what you have done in pursuance hereof. Given under my hand and seal, this —— day of —— 1817.

Summons for a Witness to attend and give Evidence.

To the Constable of ——

——. [*Set forth the complaint as in last precedent.*] These are therefore to require you, immediately on receipt hereof, to summon the said E. F. to be and personally appear before me, at —— in the said county, on the —— day of —— at the hour of —— in the forenoon, to testify his knowledge of and concerning the premises. Herein fail not. Given under my hand and seal, this —— day of —— 1817.

Conviction of Offender.

——. C. D. is convicted, on the oath of A. B. [*or on his confession, if so*] of having sold ale, beer, or other liquors, [*as the case is*] in the parish of —— in this county, on the —— day of —— without being licensed according to law, [*or after having been disabled to sell the same*] for which offence he, the said C. D. hath forfeited the sum of —— besides the costs and charges attending his conviction, which costs I the said justice do assess at the sum of —— pursuant to the Statute in that case made and provided. This is the first, [*or second*] offence. Given, &c.

Notice of Conviction to the Party, and demand of Penalty and Costs, previous to a Distress Warrant.

To the Constable of ——

—— to wit. Whereas C. D. of —— in the county of —— is duly convicted before me, S. P. Esq. one of His Majesty's justices of the peace in and for the said county, for having sold ale, beer, or other exciseable liquors [*as the fact is*] without being duly licensed according to law, whereby he hath forfeited the sum of —— besides the costs and expenses attending the conviction, which costs I have ascertained at the sum of —— according to the Statute in that case made and provided; These are therefore to authorize and require you the said constable, to demand and receive of and from him the said C. D. the sum of ——; the sum of ——, being one half

thereof you are to pay to A. B. of —— who informed me of the said offence, and ——, the other half thereof you are to pay to the churchwardens and overseers of the poor of the said parish of —— for the use of the poor of the said parish; and if he the said C. D. shall refuse or neglect to pay the said sum of —— and —— for the space of three days after notice of this my order (which notice you are hereby required and strictly enjoined to give unto him the said C. D. by either personal service of this my precept, or leaving a copy thereof for him at —— the place where the said offence was committed) then you are to certify to me such refusal and neglect, in order that such further proceedings may be had thereupon as the Act of Parliament directs. Given under my hand and seal, the —— day of —— 18[illegible].

Warrant of Distress on refusal to pay Penalty and Costs after demand.

To the Constable of ——

—— to wit. Whereas C. D. of —— was on the —— day of —— last duly convicted before me, S. P. Esq. one of His Majesty's justices of the peace in and for the said county, that he, the said C. D. did, on the —— day of —— last past, sell ale, &c. without being duly licensed, whereby he hath forfeited the sum of —— besides the costs and expenses attending the conviction, which costs I have ascertained at the sum of ——. And whereas I the said justice did issue my precept on the —— day of —— last, directed to the constable of —— requiring him to demand and receive of and from the said C. D. the said sum of —— and the sum of —— for the said costs and expenses. And whereas it doth appear to me, upon the oath of —— the constable aforesaid, that he did, on the —— day of —— last, duly demand the said sums of —— and —— of and from the said C. D. but that he the said C. D. then and there refused to pay the same; These are therefore to command you forthwith to levy the said sums of —— and —— by distraining the goods of him the said C. D. and if within the space of six days next after such distress taken, the said sums, together with the reasonable charges of taking and keeping the said distress shall not be paid, that then you do sell the said goods, and out of the money arising by such sale, that you pay

the sum of ——, being one half of the penalty, to A. B. of —— the informer, and the sum of ——, the other half thereof, to the churchwardens and overseers of the poor of the parish of —— for the use of the poor of the said parish, rendering to the said C. D. the overplus upon demand. And if the said C. D. is not able to pay the sum of —— and —— and sufficient distress cannot be found whereby the same may be levied, then you certify the same to me, together with the return of this my warrant. Given under my hand and seal, this —— day of —— 1817.

Constable's Return to be indorsed on the back of the foregoing Warrant.

—— to wit. M. N. constable of —— in the said county, maketh oath and saith, that he hath made diligent search for, but doth not find or know of any goods of the within-named C. D. whereon he can levy the sum of money required by the within warrant.

Sworn before the within-named justice, this —— day of —— 1817.

Warrant of Commitment in default of Distress.

——. To the Constable of —— in the said county, and to the Keeper of the Common Gaol, at —— in the said county.

Whereas C. D. of —— in the said county of —— was on the —— day of —— duly convicted, before me, S. P. Esq. one of His Majesty's justices of the peace in and for the said county, for selling ale, beer, or other exciseable liquors [*as the fact is*] without being duly licensed so to do according to the form of the Statute in that case made and provided, whereby he hath forfeited the sum of £20. besides the costs and expenses of the conviction, which costs and expenses I have ascertained and assessed at the sum of —— according to the form of the Statute in that case made and provided. And whereas the said C. D. on the —— day of —— had notice of the said conviction, and hath refused or neglected to pay, and hath not paid the said several sums of £20. and —— ; I do, therefore, hereby require and command you, the said constable, to apprehend the said C. D.

and him convey to the common gaol at —— in the said county, and there deliver him to the said keeper thereof, together with this precept. And I do hereby charge and command you, the said keeper of the said gaol, to receive into your custody, in the said gaol, him the said C. D. and him there safely keep for the space of —— calendar months, unless he should sooner pay the said several sums of £20, and also —— the costs, charges, and expenses attending the said conviction. Given under my hand and seal, the —— day of —— in the year of our Lord 1817.

The Information against a Person for being drunk.

—— The information of J. J. of —— in the said county of —— yeoman, exhibited before S. P. Esq. one of His Majesty's justices of the peace in and for the said county, the —— day of —— in the year of our Lord, 1817, who upon his oath deposeth and saith, That A. B. of —— in the county aforesaid, labourer, on the —— day of —— in the said year 1817, at the parish of —— in the said county, was drunk, contrary to the Statutes in such case made and provided, whereupon he, the said J. J. prayeth that he the said A. B. may be convicted thereof, and forfeit the sum of 5s. to the use of the poor of the said parish, as by the said Statutes is directed and required.

Sworn before me,

S. P.

A Summons on this Information.

—— To the Constable of ——

Whereas information, upon oath, hath been made before me, S. P. Esq. one of His Majesty's justices of the peace in and for the said county of —— that A. B. of —— in the said county, labourer, on the —— day of —— in the year 1817, at the parish of —— in the said county, was drunk, contrary to the Statutes in such case made and provided; These are therefore to require you, on sight hereof, to summon the said A. B. to be and personally appear before me, at —— in the said county, on —— the —— day of —— now next ensuing, at the hour of eleven in the fore-

noon of the same day, to make defence and answer unto the said information, and shew cause why the penalty of 5s. should not be levied on the goods of him the said A. B. for the said offence, according to the Statute in such case made and provided; and be you then and there present, to certify what you have done in the premises. Given under my hand and seal, the —— day of —— in the year 1817.

A Conviction of Drunkenness by a Justice on his own View.

—— to wit. Be it remembered, that on the —— day of —— in the 57th year of the reign of our sovereign Lord, George the Third, King of the united kingdom of Great Britain and Ireland, at the parish of —— in the county of —— S. P. Esq. one of the justices of our said Lord the King, assigned to keep the peace of our said Lord the King, in and for the said county of —— and also to hear and determine divers felonies, trespasses, and other misdemeanors committed in the said county, personally saw and viewed one A. B. late of the parish aforesaid, labourer, drunk, contrary to the form of the Statutes in such case made and provided; whereupon it is considered and adjudged by me, the said justice, that the said A. B. be convicted, and he is by me accordingly hereby convicted of the offence of drunkenness, upon my own view then and there had, accordiug to the form of the Statute in such case made and provided; and I do hereby adjudge, that the said A. B. for his said offence, has forfeited the sum of 5s. to be paid and distributed; and which I hereby order to be paid and distributed, as the law in that behalf directs. In witness whereof, I, the said justice, to this present conviction have set my hand and seal, the day and year above written.

Warrant to the Churchwardens to receive the Penalty.

——. To the Churchwardens of the parish of —— in the said county.

Whereas A. B. of —— in the said county of ——, labourer, is convicted before me, S. P. Esq. one of His Majesty's justices of the peace in and for the said county, for that he, the said A. B. on the —— day of ——

in the year 1817, at the parish of —— in the said county, was drunk, contrary to the Statutes in such case made and provided, whereby he hath forfeited the sum of 5s. to the use of the poor of the said parish of ——; These are therefore to require you to demand and receive of and from him the said A. B. the said sum of 5s. to be by you accounted for to the use of the poor of the said parish, and if he shall refuse or neglect to pay the same by the space of one week after such demand made, then you are to certify to me such refusal and neglect, in order that such proceedings may thereupon be had as the Statutes in that behalf made direct and require. Given under my hand and seal, the —— day of —— in the year 1817.

Warrant of Distress.

(This may be in the same form as the Warrant, p. 27, as also the Constable's Return.)

Commitment to the Stocks.

To the Constable of ——

——. Whereas A. B. of —— in the said county of ——, labourer, was on the —— day of —— duly convicted before me, S. P. Esq. one of His Majesty's justices of the peace in and for the said county, for that he the said A. B. on the —— day of —— in the year 1817, at the parish of —— in the said county, was drunk, contrary to the Statutes in that case made, whereby he has forfeited the sum of 5s. and whereas it appears to me that the said A. B. is not able to pay the said sum of 5s. These are therefore to require you, in His Majesty's name, to set him, the said A. B. in the stocks, there to remain for the space of six hours. Given under my hand and seal, the —— day of —— 1817.

The foregoing Forms will serve, with trifling alterations, for recovering of the Penalties for Tippling.—The Complaint may be stated as follows:

That on the —— day of —— in the year of our Lord 1817, at the parish of —— A. B. alehouse keeper, keep-

ing the alehouse known by the sign of the —— did permit and suffer C. D. of the said parish, labourer, to continue drinking and tippling therein for the space of five hours, contrary to the Statute, &c. whereupon the said A. B. hath forfeited for his said offence the sum of 10*s.* of lawful money, &c.

Conviction, on view of a Justice, for suffering Tippling in his House.

—— to wit. Be it remembered, that on the —— day of —— in the 57th year of the reign, &c. and in the year of our Lord 1817, A. B. keeper of the alehouse called or known by the name or sign of the —— in the town of —— in the parish of —— in the said county of —— is on this —— day of —— aforesaid, at —— aforesaid, found by me, S. P. Esq. one of the justices of our said Lord the King, assigned to keep the peace of our said Lord the King, in and for the said county; and also to hear and determine divers felonies, trespasses, and other misdemeanors, done and committed in the said county, upon my view, permitting and suffering the following persons, to wit, C. D. and E. F. to remain and continue drinking and tippling in his said alehouse, between the hours of eleven and twelve in the evening of the —— day of —— against the form of the Statute in that case made and provided, they the said persons not being invited, nor either of them being invited by any traveller, and accompanying him only during his necessary abode there, and neither of them being a labourer or handicraftsman, at his dinner, and neither of them being a labourer or workman, who, for the following his work in the said town of —— sojourns, lodges, or victuals in the said alehouse, and neither of them being at the time for urgent and necessary occasions allowed by two of His Majesty's justices of the peace to tipple there: And the said A. B. being now on the aforesaid day before me the said justice, and by me charged with the said offence, the said A. B. is asked by me why he doth permit or suffer the persons aforesaid to continue drinking or tippling in his said alehouse; but the said A. B. hath nothing to say, nor can he say any thing in his defence touching the premises. And thereupon the said A. B. on this —— day of —— in the 57th year, &c. before me the said justice, on my view, according to

the form of the Statute aforesaid is convicted, and for the offence aforesaid hath forfeited the sum of 10s. to the use of the poor of the parish of —— in the county aforesaid. In witness whereof I the said justice to this present record of conviction have set my hand and seal, at —— aforesaid, in the county aforesaid, the day and year above written.

Conviction (general.)

Under 30 *Geo. II. of an Alehouse Keeper for suffering Gaming by Servants, &c. or for Servant, &c. found Gaming.*

—— to wit. Be it remembered, that on this —— day of —— in the 57th year of His Majesty's reign, A. B. is convicted before J. C. Esq. one of His Majesty's justices of the peace for the said county of —— for [*state the offence*] and I the said J. C. do adjudge him to pay and forfeit the sum of ——. Given under my hand and seal, this —— day of —— in the year aforesaid.

ALIENS.

By Stat. 55, Geo. III. c. 54, Aliens to depart the kingdom within the time limited by proclamation issued for that purpose, and in default, any justice may cause them to be arrested and sent to the common gaol, until taken in charge for the purpose of being sent out of the kingdom; aliens disobeying such proclamation, any justice may adjudge them to suffer imprisonment not exceeding one month for the first, nor two months for the second offence, s. 2, 3. Justice to send copy of his convictions to the Secretary of State, with the particulars of the case, s. 5.

Aliens not to land in this kingdom without permission, and if so, they shall be taken into custody

Summons for a Witness to attend and give Evidence.

To the Constable of ——

——. [*Set forth the complaint as in last precedent.*] These are therefore to require you, immediately on receipt hereof, to summon the said E. F. to be and personally appear before me, at —— in the said county, on the —— day of —— at the hour of —— in the forenoon, to testify his knowledge of and concerning the premises. Herein fail not. Given under my hand and seal, this —— day of —— 1817.

Conviction of Offender.

——. C. D. is convicted, on the oath of A. B. [*or on his confession, if so*] of having sold ale, beer, or other liquors, [*as the case is*] in the parish of —— in this county, on the —— day of —— without being licensed according to law, [*or after having been disabled to sell the same*] for which offence he, the said C. D. hath forfeited the sum of —— besides the costs and charges attending his conviction, which costs I the said justice do assess at the sum of —— pursuant to the Statute in that case made and provided. This is the first, [*or second*] offence. Given, &c.

Notice of Conviction to the Party, and demand of Penalty and Costs, previous to a Distress Warrant.

To the Constable of ——

—— to wit. Whereas C. D. of —— in the county of —— is duly convicted before me, S. P. Esq. one of His Majesty's justices of the peace in and for the said county, for having sold ale, beer, or other exciseable liquors [*as the fact is*] without being duly licensed according to law, whereby he hath forfeited the sum of —— besides the costs and expenses attending the conviction, which costs I have ascertained at the sum of —— according to the Statute in that case made and provided; These are therefore to authorize and require you the said constable, to demand and receive of and from him the said C. D. the sum of ——; the sum of ——, being one half

thereof, you are to pay to A. B. of —— who informed me of the said offence, and ——, the other half thereof, you are to pay to the churchwardens and overseers of the poor of the said parish of —— for the use of the poor of the said parish; and if he the said C. D. shall refuse or neglect to pay the said sum of —— and —— for the space of three days after notice of this my order (which notice you are hereby required and strictly enjoined to give unto him the said C. D. by either personal service of this my precept, or leaving a copy thereof for him at —— the place where the said offence was committed) then you are to certify to me such refusal and neglect, in order that such further proceedings may be had thereupon as the Act of Parliament directs. Given under my hand and seal, the —— day of —— 1817.

Warrant of Distress on refusal to pay Penalty and Costs after demand.

To the Constable of ——

—— to wit. Whereas C. D. of —— was on the —— day of —— last, duly convicted before me, S. P. Esq. one of His Majesty's justices of the peace in and for the said county, that he, the said C. D. did, on the —— day of —— last past, sell ale, &c. without being duly licensed, whereby he hath forfeited the sum of —— besides the costs and expenses attending the conviction, which costs I have ascertained at the sum of ——. And whereas I the said justice did issue my precept on the —— day of —— last, directed to the constable of —— requiring him to demand and receive of and from the said C. D. the said sum of —— and the sum of —— for the said costs and expenses. And whereas it doth appear to me, upon the oath of —— the constable aforesaid, that he did, on the —— day of —— last, duly demand the said sums of —— and —— of and from the said C. D. but that he the said C. D. then and there refused to pay the same; These are therefore to command you forthwith to levy the said sums of —— and —— by distraining the goods of him the said C. D. and if within the space of six days next after such distress taken, the said sums, together with the reasonable charges of taking and keeping the said distress shall not be paid, that then you do sell the said goods, and out of the money arising by such sale, that you pay

the sum of ——, being one half of the penalty, to A. B. of —— the informer, and the sum of ——, the other half thereof, to the churchwardens and overseers of the poor of the parish of —— for the use of the poor of the said parish, rendering to the said C. D. the overplus upon demand. And if the said C. D. is not able to pay the sum of —— and —— and sufficient distress cannot be found whereby the same may be levied, then you certify the same to me, together with the return of this my warrant. Given under my hand and seal, this —— day of —— 1817.

Constable's Return to be indorsed on the back of the foregoing Warrant.

—— to wit. M. N. constable of —— in the said county, maketh oath and saith, that he hath made diligent search for, but doth not find or know of any goods of the within-named C. D. whereon he can levy the sum of money required by the within warrant.

Sworn before the within-named justice, this —— day of —— 1817.

Warrant of Commitment in default of Distress.

——. To the Constable of —— in the said county, and to the Keeper of the Common Gaol, at —— in the said county.

Whereas C. D. of —— in the said county of —— was on the —— day of —— duly convicted, before me, S. P. Esq. one of His Majesty's justices of the peace in and for the said county, for selling ale, beer, or other exciseable liquors [*as the fact is*] without being duly licensed so to do according to the form of the Statute in that case made and provided, whereby he hath forfeited the sum of £20. besides the costs and expenses of the conviction, which costs and expenses I have ascertained and assessed at the sum of —— according to the form of the Statute in that case made and provided. And whereas the said C. D. on the —— day of —— had notice of the said conviction, and hath refused or neglected to pay, and hath not paid the said several sums of £20. and —— ; I do, therefore, hereby require and command you, the said constable, to apprehend the said C. D.

and him convey to the common gaol at —— in the said county, and there deliver him to the said keeper thereof, together with this precept. And I do hereby charge and command you, the said keeper of the said gaol, to receive into your custody, in the said gaol, him the said C. D. and him there safely keep for the space of —— calendar months, unless he should sooner pay the said several sums of £20, and also —— the costs, charges, and expenses attending the said conviction. Given under my hand and seal, the —— day of —— in the year of our Lord 1817.

The Information against a Person for being drunk.

—— The information of J. J. of —— in the said county of —— yeoman, exhibited before S. P. Esq. one of His Majesty's justices of the peace in and for the said county, the —— day of —— in the year of our Lord, 1817, who upon his oath deposeth and saith, That A. B. of —— in the county aforesaid, labourer, on the —— day of —— in the said year 1817, at the parish of —— in the said county, was drunk, contrary to the Statutes in such case made and provided, whereupon he, the said J. J. prayeth that he the said A. B. may be convicted thereof, and forfeit the sum of 5s. to the use of the poor of the said parish, as by the said Statutes is directed and required.

Sworn before me,

S. P.

A Summons on this Information.

—— To the Constable of ——

Whereas information, upon oath, hath been made before me, S. P. Esq. one of His Majesty's justices of the peace in and for the said county of —— that A. B. of —— in the said county, labourer, on the —— day of —— in the year 1817, at the parish of —— in the said county, was drunk, contrary to the Statutes in such case made and provided; These are therefore to require you, on sight hereof, to summon the said A. B. to be and personally appear before me, at —— in the said county, on —— the —— day of —— now next ensuing, at the hour of eleven in the fore-

noon of the same day, to make defence and answer unto the said information, and shew cause why the penalty of 5s. should not be levied on the goods of him the said A. B. for the said offence, according to the Statute in such case made and provided; and be you then and there present, to certify what you have done in the premises. Given under my hand and seal, the —— day of —— in the year 1817.

A Conviction of Drunkenness by a Justice on his own View.

—— to wit. Be it remembered, that on the —— day of —— in the 57th year of the reign of our sovereign Lord, George the Third, King of the united kingdom of Great Britain and Ireland, at the parish of —— in the county of —— S. P. Esq. one of the justices of our said Lord the King, assigned to keep the peace of our said Lord the King, in and for the said county of —— and also to hear and determine divers felonies, trespasses, and other misdemeanors committed in the said county, personally saw and viewed one A. B. late of the parish aforesaid, labourer, drunk, contrary to the form of the Statutes in such case made and provided; whereupon it is considered and adjudged by me, the said justice, that the said A. B. be convicted, and he is by me accordingly hereby convicted of the offence of drunkenness, upon my own view then and there had, accordiug to the form of the Statute in such case made and provided; and I do hereby adjudge, that the said A. B. for his said offence, has forfeited the sum of 5s. to be paid and distributed; and which I hereby order to be paid and distributed, as the law in that behalf directs. In witness whereof, I, the said justice, to this present conviction have set my hand and seal, the day and year above written.

Warrant to the Churchwardens to receive the Penalty.

——. To the Churchwardens of the parish of —— in the said county.

Whereas A. B. of —— in the said county of ——, labourer, is convicted before me, S. P. Esq. one of His Majesty's justices of the peace in and for the said county, for that he, the said A. B. on the —— day of ——

in the year 1817, at the parish of —— in the said county, was drunk, contrary to the Statutes in such case made and provided, whereby he hath forfeited the sum of 5s. to the use of the poor of the said parish of ——; These are therefore to require you to demand and receive of and from him the said A. B. the said sum of 5s. to be by you accounted for to the use of the poor of the said parish, and if he shall refuse or neglect to pay the same by the space of one week after such demand made, then you are to certify to me such refusal and neglect, in order that such proceedings may thereupon be had as the Statutes in that behalf made direct and require. Given under my hand and seal, the —— day of —— in the year 1817.

Warrant of Distress.

(This may be in the same form as the Warrant, p. 27, as also the Constable's Return.)

Commitment to the Stocks.

To the Constable of ——

——. Whereas A. B. of —— in the said county of ——, labourer, was on the —— day of —— duly convicted before me, S. P. Esq. one of His Majesty's justices of the peace in and for the said county, for that he the said A. B. on the —— day of —— in the year 1817, at the parish of —— in the said county, was drunk, contrary to the Statutes in that case made, whereby he has forfeited the sum of 5s. and whereas it appears to me that the said A. B. is not able to pay the said sum of 5s. These are therefore to require you, in His Majesty's name, to set him, the said A. B. in the stocks, there to remain for the space of six hours. Given under my hand and seal, the —— day of —— 1817.

The foregoing Forms will serve, with trifling alterations, for recovering of the Penalties for Tippling.—The Complaint may be stated as follows:

That on the —— day of —— in the year of our Lord 1817, at the parish of —— A. B. alehouse keeper, keep-

Overseer refusing or neglecting to provide such book, or make such entry, or altering, destroying, defacing, or obliterating the same, or not making a true entry, or shall refuse to produce such book to the justice, or shall not deliver the same to his successor within fourteen days after his appointment; or if such successor shall refuse to receive the same, then such person so offending shall forfeit £5. for every such offence, on conviction before any two justices of the place where offence committed, on confession or oath of one witness, to be recovered by distress and sale, or in default, to be committed for not exceeding one calendar month, unless penaltysooner paid; and a like entry to be made of every apprentice assigned under 32 Geo. III. c. 57.

In parish indentures officers of the parish must be parties, and justices must signify their assent, or indentures are void; and it is *proper* that the justices should sign their assent together, but it is sufficient if one magistrate signs alone, provided he is present at the signing by the other.—3 T. R. 380.

By 51 Geo. III. c. 80, 81, If parish indentures are signed by *two* only of the churchwardens or overseers, they are valid; and by 54 Geo. III. c. 107, indentures are valid, though executed by a person who at the time of signing the said indentures acted as churchwarden, &c. of a township, hamlet, or chapelry, provided such person shall

have been sworn into the office of churchwarden, &c. of the *parish* wherein the township, &c. is contained; and an indenture of apprenticeship executed by the overseer of a township which has no churchwardens, is valid, though the churchwardens of the parish in which such township is situate do not join in the execution.—16 East. 228.

Money given for placing poor children apprentice shall be employed in corporate towns by the corporation, and in other places by the minister, constables, and churchwardens. — 7 James I. c. 3.

Two justices, by 20 Geo. II. c. 19, on complaint from apprentices with whom no more than £5. were paid, may summon the master, and on proof of ill usage may discharge the apprentice whether the master be present or not, if service of summons be proved; or on complaint of the master the apprentice may be discharged from his indentures on proof on oath of ill-behaviour, s. 4.—On complaint of the master against the apprentice, and proof upon oath, they may commit the offender, for not more than three months, to the house of correction.—32 Geo. III. c. 57. Chitty's App. 93. And it is not necessary that the complaint should be on the oath of the master; but the complaint must be made by him, and the fact may be proved on the oath of another person.—12 East's Rep. 248.

Two justices on complaint of apprentice, whether parish apprentice or otherwise, with whom not

more than £10. is given, of ill usage by master, may fine such master not exceeding 40s. 33 Geo. III. c. 57, to be levied in case of default by distress and sale; such fine may at the discretion of the justices imposing it, be paid as a recompense to the apprentice, s. 1; and for want of distress, offender may be committed to the house of correction not exceeding ten days, *ib.*

A justice, by 6 Geo. III. c. 25, may compel apprentice absenting himself from his master's service, to serve for such term as he shall have absented himself, or make satisfaction. This does not extend to apprentices with whom a premium of £10. has been paid; nor to those whose apprenticeship shall have been expired seven years.

Covenants for the maintenance of parish apprentices, with whom no more than £5. is given, shall continue in force no longer than three months after the master's death.—32 Geo. III. c. 47, s. 1. but two justices, on application to them for that purpose, may order that the apprentice serve the residue of his term to the widow, husband, son, daughter, brother, sister, or administrator, s. 2. And if no application, or the justices should think fit, the apprenticeship shall be at an end, s. 4. To extend to such parish apprentices only as shall be living with the master, s. 5. And two justices may order the necessary sums for maintenance, &c. of such apprentice, to be levied by distress, s. 9.

Parish apprentices, with whom no more than

£5. is given, may be assigned by the master, with the approbation of two justices; and apprentices may be discharged whose masters cannot find employ, or maintain them, s. 9.

Two or more justices on complaint of parish apprentice of cruelty or ill-treatment by his master, may discharge such apprentice from his apprenticeship, 20 Geo. II. c. 24; and justices discharging apprentice under this act, may order his master to deliver up his clothes and wearing apparel, and also pay to the churchwardens and overseers of the poor of the parish to which such apprentice shall belong, a sum not exceeding £10. to be applied in placing out such apprentice again; and also a sum not exceeding £5. in case such master shall ef use to deliver up such clothes, &c. in case of default the said sum may be levied by warrant of two justices by distress and sale of the defaulter's goods, together with the expenses of such sale; and justices may compel parish officers to enter into recognizance to prosecute master for ill-treatment, and order the expenses of such prosecution to be paid, one moiety out of the poors' rate of the parish to which apprentice belongs, and the other moiety out of the common stock of the county; and parish officers refusing to pay such moiety, the same may be levied by distress and sale, s. 11. Justices may order any master convicted of ill-treatment, &c. (when again liable to take a parish apprentice,) to pay to the parish officers any sum not more than

£10. nor less than £5. for the purpose of binding out such child to another person, in default such sum to be levied by distress and sale, s. 12.

Masters may appeal to quarter sessions; and on notice of such appeal, no distress to be made till after the sessions; penalty for not appealing, after notice, 40s. s. 12.

All other persons aggrieved may also appeal, s. 14, and the decision of the sessions conclusive.

Apprentices discharged for ill behaviour may be sent to the house of correction, to be corrected and kept to hard labour, for any time not exceeding three months, s. 13.

A Parish Indenture of Apprenticeship,
by 43 Eliz. c. 2.

This Indenture, made the —— day of —— in the year of our Lord 1817, between A. B. and C. D. churchwardens, and E. F. and G. H. overseers of the poor of the parish of —— in the county of —— of the one part, and A. M. of —— in the said parish, [*shoemaker*], of the other part, witnesseth, That the said churchwardens and overseers of the poor, by and with the consent of —— two of His Majesty's justices of the peace for the said county, dwelling near to [*or in*] the said parish of ——— one whereof is of the quorum, have put, placed, and bound, and by these presents do put, place, and bind A. P. a poor boy, whose parents B. P. and C. P. are not able to maintain him, of the age of —— years, to be an apprentice with him the said A. M. and as an apprentice with him the said A. M. to dwell, from the date of these presents, until the said A. P. shall come to the age of —— years, [*or (if a female), until the said A. P. shall come to the age of —— years, or the time of her marriage, which shall first happen*] according to the Statutes in such case made and provided. By and during all which time and term, the said A. P. shall the

said A. M. his said master, well and faithfully serve in all such lawful business as the said A. P. shall be put unto by the command of his said master, according to the power, wit, and ability of him the said A. P. and honestly and obediently in all things shall behave himself towards his said master, and honestly and orderly towards the rest of the family of the said A. M. And the said A. M. for his part, for himself, his executors, and administrators, doth hereby promise and covenant to and with the said churchwardens and overseers of the poor, and every of them, their and every of their executors and administrators, and their and every of their successors for the time being, and to and with the said A. P. that he the said A. M. shall the said A. P. in the craft, mystery, and occupation of a [*shoemaker*], which he the said A. M. now useth, after the best manner that he can or may teach, instruct, and inform, or cause to be taught, instructed, and informed, as much as thereunto belongeth, or in any wise appertaineth; and that the said A. M. shall also find and allow unto the said apprentice sufficient meat, drink, apparel, washing, lodging, and all other things needful or meet for an apprentice, during the term aforesaid. In witness whereof the said parties have hereunto set their hands and seals, the day and year first above written.

Proviso to be added to the Covenant for Maintenance, by 32 Geo. III. c. 57.

Provided always, That the last-mentioned covenant on the part of the said A. M. his executors and administrators, to be done and performed, shall continue and be in force for no longer time than three calendar months next after the death of the said A. M. in case he the said A. M. shall happen to die during the continuance of such apprenticeship, according to the provisions of an act passed in the thirty-second year of the reign of King George the Third, intituled, "An Act for the further Regulation of Apprentices."

The Assent of two Justices.

——. We, W. S. and S. P. two of His Majesty's justices of the peace for the abovementioned county of ——,

dwelling near to the abovementioned parish of ——, and one of us of the quorum, do hereby declare our assent to the binding of the above-named A. P. an apprentice to the above-named A. M. according to the form and effect of the above-written indenture. Given under our hands, the —— day of, &c.

Warrant to levy £10. for not receiving a Poor Apprentice, on the Stat. of 8 and 9 Wm.

——. To the Constable of ——

Whereas A. B. and C. D. churchwardens, and E. F. and G. H. overseers of the poor of the parish of —— in the said county, by the assent of [*us*] W. S. and S. P. two of His Majesty's justices of the peace for the said county, dwelling near to [*or, in*] the said parish of —— one whereof is of the quorum, did endeavour to bind A. P. a poor male child of the said parish, whose parents are not able to maintain him, apprentice to A. M. of —— in the said parish, [*taylor*], and for that intent did prepare and duly perfect one pair of indentures, pursuant to the Statute in such cases made and provided, which said pair of indentures was signed and confirmed by [*us*] the said two justices: And whereas the said A. M. is duly convicted before us the justices aforesaid, as well upon the oath of the said A. P. [*or otherwise*], for that he the said A. M. hath refused, and doth refuse to receive and provide for the said A. P. as an apprentice, and also to execute another part of the said indentures, being duly tendered to him by the said churchwardens and overseers of the poor, whereby the said A. M. hath forfeited the sum of ten pounds; These are therefore in His Majesty's name, to require and command you, to make distress of the goods and chattels of him the said A. M. and if within the space of [*six*] days next after such distress by you made, the said sum of £10. together with reasonable charges of taking and keeping the said distress, shall not be paid, that then you do sell the said goods and chattels so by you distrained, and out of the money arising by such sale, pay the said sum of £10. to the overseers of the poor of the said parish of —— where the said offence was committed, for the

use of the poor of the said parish; returning the overplus upon demand unto him the said A. M. the reasonable charges of taking, keeping, and selling the said distress being thereout first deducted. Herein fail you not. Given under our hands and seals, the —— day of —— in the year 1817.

Summons of the Master for misusing his Apprentice, on 5 Eliz. c. 4.

——. To the Constable of ——

Whereas complaint and information hath been made unto me J. C. one of His Majesty's justices of the peace in and for the said county, by A. P. apprentice to A. M. of —— in the said county, [*shoemaker*], that the said A. M. hath misused and evil entreated him the said A. P. [*by cruel punishment, and beating him the said A. P. without just cause, and by not allowing unto him sufficient meat, drink, apparel, or as the case shall be.*] These are therefore in His Majesty's name to command you to summon the said A. M. to appear before me at the house of —— in the said county, on —— the —— day of ——, at the hour of —— in the —— noon of the same day, to answer unto the said complaint, and to be further dealt with according to law. Herein fail you not. Given under my hand and seal, the —— day of, &c.

Summons of the Apprentice on the Complaint of the Master, on 5 Eliz. c. 4.

——. To the Constable of ——

Whereas complaint and information hath been made unto me J. C. one of His Majesty's justices of the peace in and for the said county, by A. M. of —— in the said county, [*husbandman*], that A. P. now being an apprentice to him the said A. M. is negligent, stubborn, disorderly, [*or as the case shall be*], and doth not his duty to him the said A. M. his master; These are therefore to command you to summon the said A. P. to appear before me, at —— in the said county, on —— the —— day of ——, at the hour of

—— in the —— noon of the same day, to answer the said complaint, and to be further dealt with according to law. Herein fail not. Given under my hand and seal, the —— day of, &c.

Order of Discharge, by four Justices at the Sessions, by 5 Eliz. c. 4. s. 35.

—— to wit. At a general quarter sessions of the peace, holden at —— in and for the county aforesaid, the —— day of —— in the —— year of the reign of our sovereign Lord George the Third, by the grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, and so forth; before —— justices of our said Lord the King, and of the quorum, assigned to keep the peace in the said county, and also to hear and determine divers felonies, trespasses, and other misdemeanors in the said county committed, it is ordered as followeth:

Upon the petition of A. P. apprentice to A. M. of —— in the said county, [*carpenter*], to be relieved upon certain neglects of the said master in instructing him in his trade, and in misusing and evil entreating the said apprentice by cruel punishment, [*or as the case shall be*]: and the said master having likewise appeared upon his recognizance taken before S. P. Esq. one of the said justices, to answer to the complaint of the said petition, and having proved nothing whereby to clear himself of the said complaint, but on the contrary, the said A. P. having given full proof of the truth of the said complaint, to the satisfaction of the said court. We, whose hands and seals are hereunto set, being four of the said justices, and of the quorum, do hereby order, pronounce, and declare, that the said apprentice shall be and is hereby discharged and freed from his said apprenticeship. And this is to be a final order betwixt the said master and apprentice, any thing contained in their indentures of apprenticeship, or otherwise, to the contrary notwithstanding. Given under our hands and seals, the day and year first above written.

Complaint of an Apprentice to two Justices against his Master.

—— to wit. The information and complaint of A. P. apprentice to A. M. of —— in the said county, [*carpenter*], exhibited before us, two of His Majesty's justices of the peace, in and for the said county, the —— day of —— in the year &c.

Who saith, that he the said A. P. is an apprentice, bound by indenture to A. M. of —— aforesaid, [*carpenter*]; and that he the said A. M. hath misused and ill-treated him the said apprentice, and particularly [*as the case shall be*].

Before us, A. P.

W. S.

J. C.

Summons of the Master by two Justices, on Complaint of the Apprentice, on 20 Geo. II. c. 19, s. 3.

——. To the Constable of ——.

Whereas information and complaint hath been made unto us, W. S. and S. P. two of His Majesty's justices of the peace in and for the said county, by A. P. apprentice to A. M. of —— in the said county, [*carpenter*], that he the said A. M. hath misused and ill treated him the said A. P. and particularly [*as the case shall be*]; These are therefore to require you to summon the said A. M. to appear before us at —— in the said county, on —— the —— day of —— to answer unto the said information and complaint. And be you then there to certify what you shall have done in the execution thereof. Herein fail you not. Given under our hands and seals, the —— day of —— in the year &c.

Discharge of an Apprentice by two Justices, on the Master misusing him, by 20 Geo. II. c. 19, s. 3.

——. Whereas complaint hath been made before us, W. S. and S. P. two of His Majesty's justices of the peace

in and for the said county, by A. P. apprentice to A. M. of —— in the said county, [*taylor*], that he the said A. M. hath misused and evil entreated him the said apprentice, and particularly [*as the case shall be*]; And whereas the said A. M. hath appeared before us, in pursuance of our summons for that purpose, but hath not cleared himself of and from the said accusation and complaint; but on the contrary the said A. P. hath made full proof of the truth thereof before us on oath; We therefore by these presents do discharge him the said A. P. of and from his apprenticeship to the said A. M. any thing in the indenture of apprenticeship made betwixt them, or otherwise howsoever, to the contrary notwithstanding. Given under our hands and seals, the —— day of &c.

[*Or*, And whereas it hath been duly proved before us, as well upon the oath of A. C. constable of —— aforesaid, as otherwise, that he the said A. C. did duly summon the said A. M. to appear before us at a reasonable time, in the said summons mentioned and specified; but notwithstanding the same, he the said A. M. hath not appeared before us, according to such summons; We therefore having duly examined into the matter of the said complaint, and the truth thereof having been fully proved before us upon oath, do discharge &c.]

Complaint, to two Justices, of the Master against his Apprentice, on 20 Geo. II. c. 19, s. 4.

——. The complaint and information of A. M. of —— in the said county, [*carpenter*], taken and made on oath before us, S. P. and J. C. two of His Majesty's justices of the peace in and for the said county, the —— day of —— who saith, That A. P. apprentice by indenture to him the said A. M. and with whom no more than the sum of £5. was received by this deponent as an apprentice fee, hath, in the service of his apprenticeship, been guilty of several misdemeanors, miscarriages, and ill behaviour, towards him the said A. M. and particularly [*as the case shall be.*]

A. M.

Before us,

S. P.
J. C.

Warrant for a disorderly Apprentice, by two Justices, on the aforesaid Complaint, by 20 Geo. II. c. 19, s. 4.

——. To the Constable of ——.

Whereas oath hath been made before us, S. P. and J. C. two of His Majesty's justices of the peace in and for the said county, by A. M. of —— in the said county, [*carpenter*], that A. P. apprentice to the said A. M. hath committed divers misdemeanors against the said A. M. his master, and particularly [*as the case shall be*]; These are therefore to require you forthwith to apprehend the said A. P. and bring him before us, to answer unto the said complaint, and to be dealt with according to law; and you are to give notice to the said A. M. that he appear before us at the same time, to make good the said complaint. Given under our hands and seals, &c.

Commitment of an Apprentice to the House of Correction, on Complaint of his Master, by two Justices, on 20 Geo. II. c. 19, s. 4.

——. To the Constable of —— in the said county, and to the Keeper of the House of Correction at —— in the said county.

Whereas complaint hath been made before us, S. P. and J. C. two of His Majesty's justices of the peace, in and for the said county, upon the oath of A. M. of —— in the said county, [*carpenter*], that A. P. apprentice of the said A. M. hath committed divers misdemeanors against the said A. M. his master, and particularly [*as the case shall be*]; And whereas, upon examination thereof, and upon hearing the allegations of both parties, having come before us for that purpose, and upon due consideration had thereof, it manifestly appears to us that he the said A. P. is guilty of the premises so charged against him as aforesaid; We do therefore hereby command you the said constable to take and convey the said A. P. to the said house of correction, and to deliver him to the said keeper thereof, together with this warrant; And we do hereby command you the said

keeper of the said house of correction, to receive the said A. P. into your custody in the said house of correction, there to remain and be corrected, and held to hard labour for the space of ——. Given under our hands and seals, the —— day &c.

Discharge of an Apprentice, by two Justices, on Complaint of the Master, by 20 Geo. II. c. 19, s. 4.

——: Whereas complaint &c. *(as in the last precedent).* We do therefore, by these presents, discharge the said A. P. from his apprenticeship to the said A. M.; any thing in any indenture or indentures of apprenticeship betwixt them, or otherwise, to the contrary notwithstanding. Given &c.

Assignment of Apprentice.

To all to whom these presents shall come, I A. M. of —— send greeting. Whereas my apprentice A. P. hath divers years yet to come and unexpired of his apprenticeship; to wit, —— whole years from the —— day of —— now last past, as by his indenture of apprenticeship to me sealed doth appear; Now know ye, that I the said A. M. for divers good causes and considerations me hereunto moving, have given, granted, assigned, and set over, and by these presents do fully and absolutely give, grant, assign, and set over, unto A. S. of ——, all such right, title, duty, term of years to come, service, and demand whatsoever, which I the said A. M. have in or to the said A. P. or which I may or ought to have in him by force and virtue of the said indentures of apprenticeship. And moreover, I the said A. M. do by these presents covenant, promise, and agree to and with the said A. S. his executors and administrators, that, notwithstanding any thing by me the said A. M. to be done to the contrary, the said A. P. shall, during the said term of —— years, well and truly serve the said A. S. as his master, and his commandments lawful and honest shall do, and from his service shall not absent himself during the said term. Provided that the said A. S. shall well entreat

and use him the said A. P. and him the said A. P. in the craft, mystery, and occupation of a —— which he the said A. S. now useth, after the best manner that he can or may, shall teach, instruct, and inform, or cause to be taught, instructed, and informed, as much as thereunto belongeth, or in any wise appertaineth; and shall also, during the said term, find and allow unto the said A. P. sufficient meat, drink, apparel, washing, lodging, and all other things needful or meet for an apprentice. In witness &c.

Form of the Order of two Justices, directing a Parish Apprentice to continue with the Widow [or as the case may be] *of his deceased Master.*

——. Whereas F. R. within named, late of the parish of —— in the said county, died on the —— day of ——, being within three calendar months now last past, We, two of His Majesty's justices of the peace for the county aforesaid, whose names are hereunto subscribed, on the application and at the request of A. R. widow [*as the case may be*] of the said F. R. living with and being part of the family of the said F. R. at the time of his death, do hereby order and direct, that A. P. the apprentice within named, who was in the service and actual employment of the said F. R. at the time of his death, shall serve the said A. R. as such apprentice, for the residue of the term of such apprenticeship within mentioned, according to the provisions of an act passed in the thirty-second year of the reign of King George the Third, intituled, "An Act for the further Regulation of Parish Apprentices." Witness our hands, this —— day of ——.

I, the above-mentioned A. R. do hereby declare that the above order is made at my request, and that I do accept the said A. P. as my apprentice, according to the terms and covenants contained in the said indenture, and according to the provisions of the said act. Witness my hand, the day and year above written.

Form of the like Order, by a separate Instrument.

——. Whereas it appears unto us, two of His Majesty's justices of the peace for the said county, that A. P. was bound an apprentice by the churchwardens and overseers of the poor of the parish of ——, to F. R. late of the said parish of —— and that the said F. R. died on the —— day of ——, being within three calendar months now last past. Now we the said two justices, on the application, and at the request &c. [then to the end as before, *mutatis mutandis.*]

Form of the Assignment of a Parish Apprentice, with the consent of two Justices, by Indorsement on the Indenture or Counterpart.

——. Be it remembered, That the within-named F. R. by and with the consent and approbation of S. P. and J. C. two of His Majesty's justices of the peace for the said county, whose names are subscribed to the consent here-under written, doth hereby assign A. P. the apprentice within named, unto N. R. to serve him during the residue of the term within mentioned; and that he the said N. R. doth hereby agree to accept and take the said A. P. as an apprentice for the residue of the said term, and doth hereby acknowledge himself, his executors and administrators, to be bound by the agreements and covenants within mentioned on the part of the said F. R. to be done and performed, according to the true intent and meaning thereof, and pursuant to the provisions of an act passed in the thirty-second year of the reign of King George the Third, intituled, "An Act for the further Regulation of Parish Apprentices." In witness whereof we the said F. R. and N. R. have hereunto set our hands, this —— day of ——.

We, two of His Majesty's justices of the peace above-mentioned, do consent thereto. Witness our hands, this —— day of ——.

S. P.
J. C.

Form of the like Assignment by a separate Instrument.

—— to wit. Whereas it appears unto us, W. S. and S. P. two of His Majesty's justices of the peace for the said county, whose names are subscribed to the consent here-under written, that A. P. was bound apprentice by the church-wardens and overseers of the poor of the parish of ——, to F. R. of the same parish of ——, by indenture, bearing date on or about the —— day of —— until the said A. P. should attain his age of twenty-one years. Now be it remembered, That the said F. R. by and with the consent &c. [and so to the end as before, *mutatis mutandis.*]

Form of a Conviction,

Under 42 Geo. III. c. 46.

Be it remembered, That on the —— day of —— in the year of our Lord, 1817, A. P. is convicted before us, W. S. and S. P. two of His Majesty's justices of the peace for the —— [*specifying the offence, and the time and place when and where committed*], contrary to an act made in the forty-second year of the reign of King George the Third, intituled, [*here set forth the title of this act.*] Given under our hands and seals the day and year abovementioned.

Discharge of a Parish Apprentice,

Under 32 Geo. III. c. 57.

And Order to return his Clothes, &c.

—— to wit. Whereas complaint on oath hath been made before us, J. C. and S. P. two of His Majesty's justices of the peace in and for the said county, by A. B. a parish apprentice to C. D. of —— in the said county, [*carpenter*], that he the said C. D. has misused and evil-entreated him the said apprentice, particularly [*here state the nature of the offence*]. And whereas the said C. D. having been duly summoned, hath appeared before us, but hath not cleared himself of the said accusation and complaint, but on the contrary the same hath been fully proved before us on oath. We therefore do by these presents discharge the said A. B. from his said apprenticeship,

any thing in the said indenture of apprenticeship contained to the contrary.

And we do hereby order that he the said C. D. shall upon due notice hereof deliver up forthwith to the said apprentice his clothes and wearing apparel, and also pay immediately to the churchwardens and overseers of the poor of the parish of —— in the said county, to which parish the said apprentice belongs, or some or one of them, the sum of £. ——, to be applied by them, some or one of them, under our order, for the benefit of the said apprentice, as to us shall seem reasonable. Given under our hands and seals, the —— day of —— 1817.

Information and Complaint that the Money has not been paid.

—— to wit. The Information and Complaint of E. F. one of the overseers of the poor of the parish of —— in the said county, taken on oath before us, S. P. and W. S. two of His Majesty's justices of the peace in and for the said county, this —— day of —— 1817, who on his oath saith, that by an order under the hands and seals of us the said S. P. and W. S. two of His Majesty's justices of the peace, &c. which said order is now produced before us, A. B. the parish apprentice of C. D. of the said parish of ——, was discharged from his said apprenticeship to the said C. D. for [*state the cause*]. And further, that in and by the said order the said C. D. was ordered, upon due notice to him of the said order, forthwith to deliver up to the said apprentice his clothes and wearing apparel, and also to pay immediately to the churchwardens and overseers of the poor of the said parish of ——, to which parish the said A. B. belongs, some or one of them, the sum of —— to be applied by them, some or one of them, under the order of us the said justices, for the benefit of the said apprentice: And that the said C. D. hath had due notice of the said order, but that he hath not complied therewith by paying the said sum of money, so directed to be paid by him the said C. D. nor any part thereof, but hath refused, and doth refuse so to do; whereupon the said A. B. prayeth that justice be done in the premises.

Taken and sworn before us,

S. P.

W. S.

Warrant of Distress.

To the Constable of ——.

—— to wit. Whereas by an order [*Recite the order as in the Information*]. These are therefore to command you that you do levy the said sum of —— by distress of the goods and chattels of him the said C. D. together with the reasonable expenses of such distress; and if within the space of four days next after such distress by you made, the said sum of —— together with the reasonable expenses of taking and keeping the said distress, shall not be paid, that then you do sell the said goods and chattels so by you distrained, and out of the money arising by the sale thereof, that you do pay the said sum of —— unto the churchwardens and overseers of the poor of the said parish of —— to be by them applied as aforesaid, returning the overplus on demand unto the said C. D. the reasonable charges of taking, keeping, and selling the said distress being first thereout deducted. Given under our hands and seals, this —— day of —— 1817.

Complaint against a Master for not delivering up to a discharged Apprentice his Clothes.

——to wit. The Information and Complaint of A.B. the late parish apprentice of C. D. of —— in the said county, taken on oath before us, S. P. and W. S. two of His Majesty's justices, &c. this —— day of —— 1817, who on his oath saith, that by an order under the hands and seals of us the said justices, dated the —— day of —— last, which said order is now produced to us, he the said A. B. was discharged from his said apprenticeship to the said C. D. for [*state the cause*], and that by the said order the said C. D. was required to deliver up to him the said A. B. his clothes and wearing apparel, and that the said C. D. had due notice of the said order on the —— day of —— last, and that this informant did then demand his clothes and wearing apparel of the said C. D. which he the said C. D. then refused, and yet refuses to deliver up; whereupon the said A.B. prayeth that justice be done in the premises.

Taken and sworn before us,

S. P.

W. S.

Order thereon.

—— to wit. Whereas by an order under the hands and seals of S. P. and W. S. two of His Majesty's justices &c. dated &c. A. B. the parish apprentice of C. D. [*state the facts as in the Complaint*]. And whereas the said C. D. hath been duly summoned to appear before us the said justices to answer the said Complaint, but hath not shewn to us any just cause why he refuses to comply with the directions of the said Order, and to deliver up the said clothes and wearing apparel as he was thereby commanded. We do therefore hereby order the said C. D. upon due notice of this our order, to pay to the churchwardens and overseers of the poor of the said parish of —— the sum of —— [*not exceeding £5.*], to be by them applied as the law directs. Given under our hands and seals, &c.

Warrant of Distress.

To the Constable of ——.

—— to wit. Whereas by an order under the hands and seals of us, S. P. and W. S. two of His Majesty's justices, &c. [*state the Order for delivering the Clothes, the Complaint, and Summons thereon, and the Order for payment of the Penalty*]. And whereas it appears unto us the said justices upon the oath of E. F. one of the overseers of the poor of the parish of —— aforesaid, that the said C. D. hath had due notice of our said last-mentioned order, but hath not paid the said last-mentioned sum of —— so directed to be paid by him, or any part thereof. These are therefore to command you to make distress of the goods and chattels of the said C. D. and if within the space of four days next after such distress by you made, the said last-mentioned sum of ——, together with the reasonable charges of taking and keeping the said distress shall not be paid, that then you do sell the goods and chattels so by you distrained, and out of the money arising by the sale thereof, that you pay the said last-mentioned sum of —— unto the churchwardens or overseers of the poor of the parish of ——, to be by them applied as aforesaid, returning the overplus (if any), on demand, to the said C. D. the reasonable charges of taking, keeping, and selling the said distress being first thereout deducted. Given under our hands and seals, &c.

Master's Oath to claim his Apprentice.

—— to wit. I, A. B. of —— in the county of ——, do make oath that I am by trade a ——, and that C. D. was bound to serve as an apprentice to me in the said trade, by indenture bearing date the —— day of —— in the year of our Lord 1817, for the term of —— years, and that the said C. D. did on the —— day of —— in the year of our Lord 1817, abscond and quit my service without my consent, and that to the best of my knowledge and belief the said C. D. is aged about —— years. Witness my hand, the —— day of —— in the year of our Lord 1817.

Sworn before me, at —— in the —— of ——, this —— day of —— in the year of our Lord 1817.

S. P.

One of His Majesty's justices of the peace for the —— of ——.

ARREST.

A constable may, by virtue of his office, arrest a felon and imprison him till he can be conveyed to a justice of peace. 2 Haw. c. 13, s. 8. but cannot for a breach of the peace (unless committed in his view), without a warrant. *Ibid.*

No privilege from arrest extends to felony, treason, or breaking the peace, 4 Inst. 24, 25. and a warrant against any person for either of these crimes may be executed on the Lord's day. 29 Ch. II. c. 7, s. 6.

A *private* person, in case of strong suspicion of felony, treason, &c. may justify an arrest without a warrant, and may also prevent the commission of

those crimes by seizing and detaining the party. 2 Haw. c. 12, s. 19. Cald. Ca. 291.

A justice of peace may apprehend a felon, or disturber of the peace in his own view, 2 Hale's Hist. 86, or he may command one to arrest another for felony, or breach of the peace, committed in his presence; but, if in his absence, he must issue a warrant in writing under his seal. *Ibid.*

A justice may direct his warrant to a *private* person if he pleases, though such person is not bound to execute it, but the warrant ought not to be directed to the party; and if directed to two or more jointly, one of them alone may execute it. Dalt. 169.

In general, a peace officer under authority of a justice's warrant, or in any case where the King is a party, may justify breaking open a man's house to arrest the offender, *Ibid.* but the officer should first demand entrance. It seems, however, that a *private* person cannot justify breaking open a door to arrest a person upon mere suspicion of felony.

Justices, before granting warrants to arrest, should examine the party, requiring it, *on oath*; and if the charge be positive, it may be adviseable to bind the party to prosecute before warrant issues. Dalt. c. 169, p. 579.

[For the *precedents*, see title "*Warrants*;" and for the authority of constables, see title "*Constable*."]

ARSON. *See* BURNING.

ASSAULT AND BATTERY.

An assault is a forcible attempt to do a corporal injury to another; a blow, however trifling, is a battery;—every assault is not a battery, but every battery necessarily includes an assault. 1 Haw. P. C. 263.—An assault, in some instances, may be justified; a defendant may justify an assault, *molliter manus imposuit*, in defence of his goods, his wife, father, mother, or master, or for the maintenance of justice; a servant may justify in *defence* of his master, but not *è contra*. Lord Raym. Bract.

It is not prudent in assaults of a trifling nature to grant a warrant in the first instance; nor should the offenders be held to bail except in aggravated cases, as it frequently happens that the assault is compromised by the parties, previous to the quarter sessions, in which case if the recognizances are filed, the withdrawing them occasions great inconvenience and expense.

Affidavit to ground a Warrant for an Assault.

A. B. of &c. yeoman, maketh oath and saith, that on —— the —— day of —— instant, at —— in the county of ——, C. D. of &c. [*labourer*], did violently assault

and beat this deponent, by striking him with his fists several blows on the head, face, and other parts of his body.

A. B.

Sworn this —— day of ——, before me, one of His Majesty's justices &c.
S. P.

Warrant for an Assault.

To the Constable of ——.

—— to wit. Whereas A. B. of —— hath this day made complaint and information on oath, before me, S. P. Esq. one of His Majesty's justices of the peace for the said county, That C. D. of —— did, on the —— day of —— at —— in the said county, violently assault and beat him the said A. B. against the peace &c. These are, therefore, in His Majesty's name, to command you immediately to apprehend the said C. D. and bring him before me, *(or some other of His Majesty's justices of the peace for the said county)* to answer to the said complaint, and further to be dealt with according to law. Herein fail not, as you will answer the contrary at your peril.

Given under my hand and seal, at —— in the said county, the —— day of ——, in the year of our Lord 1817.

It frequently happens after parties are bound over to prosecute, that the dispute is amicably settled, in which case it is necessary to get the recognizance of the complainant discharged, for which purpose the following acknowledgement of satisfaction must be signed.

The King on the Prosecution of A. B. against C. D. for an Assault.

I do hereby acknowledge to have received full satisfaction for the assault committed upon me by the above-named C. D. and consent to his recognizance being discharged. As witness my hand, this —— day of —— 1817.

A. B.

Witness,
E. F.

Affidavit of one of the subscribing Witnesses to the above Acknowledgement.

E. F. of &c. maketh oath and saith, that he was present, and did see A. B. of &c. sign the acknowledgement of satisfaction for an assault committed upon him, and which is hereto annexed; and that the name A. B. is of the *proper* hand-writing of the said A. B.

Sworn in Court &c.

This should be sworn at the session, and not before a magistrate at his house; and upon a motion to the court with this acknowledgement annexed, indorsed, "To move to discharge the defendant's recognizance on the within acknowledgement and affidavit," an order to discharge such recognizance will be made.

BAIL.

If justices refuse bail where it ought to be taken, or admit to bail in cases where it should not be

taken, or take insufficient bail, they are punishable by fine, Haw. P. C. 97. 2 Inst. 291. but excessive bail ought not to be demanded. Haw. P. C. c. 15.

On *suspicion* of felony only, party may be admitted to bail. *Ibid.*

Persons not bailable — homicides, traitors, incendiaries, coiners, forgers, dangerous rioters, scandalous extortioners, persons guilty of misprision of treason, præmunire, mayhem. 2 Haw. P. C. c. 15. s. 45.

Bailable offences are — assaults, except where life is endangered; manslaughter, petit larceny, where the value is under 10*d.* or on suspicion only; and accessaries to felony, if of good reputation. *Ibid.* and 1, 2, P. and M. c. 13.

If a party is arrested by virtue of a bench warrant, he should give twenty-four hours previous notice of putting in bail before a justice. 30 Geo. II. c. 24. and application may be made to the sessions for longer notice, if necessary.

If bail have sufficient reason to suspect that the principal is likely to deceive them, he may be detained by them, and compelled to appear according to the condition of the recognizance, or he may be brought before a justice, by whom he shall be committed till he find fresh bail. 2 Haw. P. C. c. 15, s. 3.

Recognizance to prefer and prosecute a Bill of Indictment for Felony.

—— to wit. A. B. of &c. acknowledges —— self to be indebted to our Sovereign Lord the King in the sum of £.
C. D. of &c. acknowledges &c. £.
E. F. of &c. acknowledges &c. £.

Upon Condition That A. B. do personally appear at the next general [or general quarter] session of the peace to be held for the said county of —— at the Sessions House at ——, then and there to prefer a bill of indictment, and to prosecute the law with effect, and give evidence in his Majesty's behalf, against C. D. for feloniously taking and stealing two silver candlesticks, the property of the said A. B. wherewith he stands charged before (*the justice has committed.*)

And if the bill be found a true bill, and returned so by the grand jury, that the said A. B. do appear in court, and prosecute and give evidence upon that indictment, and do not depart the court without leave, then this recognizance to be *void*, or *else* to remain in full force. Taken and acknowledged this —— day of —— 1817, before S. P.

(This form, with the necessary variations, will do for witnesses to appear and give evidence.)

Notice of putting in Bail, on a Bench Warrant, before a Justice.

The King, on the Prosecution of A. B. against C. D.

Mr. A. B.

Take notice, that on —— the —— of —— 1817, at eleven o'clock in the forenoon, I shall put in bail before S. P. Esq. one of His Majesty's justices of the peace in and for the county of —— at his house situate in —— in the said county, for my appearance at the next general quarter session of the peace to be held at the Sessions House at ——,

in and for the said county, then and there to answer and plead to the indictment preferred against me, for assaulting you; and the names of my bail are G. H. of &c. [*smith*], and J. K. of &c. [*taylor*]. Dated this —— day of —— 1817.

Yours,

C. D.

Notice of putting in Bail before a Judge of the King's Bench.

—— to wit. *The King against A. B.*

Take notice, that the defendant A. B. will put in bail on —— the —— day of —— next, at —— o'clock in the —— noon of the same day, before the Right Honourable Edward Lord Ellenborough, Chief Justice of His Majesty's Court of King's Bench, (or such other Judge as may be then attending) at his Chambers in Serjeant's Inn, Chancery Lane, London, to appear and plead within the first eight days of the next Term [or *as the case may be*] to an indictment against him for certain assaults, [or *as the fact is*] and to try the same at the sittings of *nisi prius*, to be holden after the same Term in and for the county of ——. And that C. D. of ——, and E. F. of ——, will then and there become bail for him the said A. B. Dated this —— day of —— 1817.

W. T. Solicitor for the Defendant.

To —— the Prosecutor.

BASTARDY.

All children born before matrimony, or so long after the death of the husband as to render it impossible that the child could be begotten by him, are bastards.—Cro. Jac. 451.

By 6 Geo. II. c. 31. any single woman delivered of a child chargeable, or likely to be so, to any parish, and giving information on oath, the father,

on the application of the [illegible]
officer, or substantial h[illegible]
headed by warrant, under the han[illegible]
justice, and may be committed [illegible]
give security to indemnify the [illegible]
recognizance to appear at the [illegible]
abide the order there to be made [illegible]
c. 68, s. 2. if *one* justice shall [illegible]
under his hand, to the [illegible]
that it had been proved before him [illegible]
one credible witness, that [illegible]
not then been delivered, or [illegible]
within one month only [illegible]
which such general or [illegible]
holden; or if *two* justices [illegible]
county, &c. shall certify [illegible]
hands, to the next, [illegible]
shall not have been [illegible]
mediately subsequent [illegible]
sions, that an order of [illegible]
made on the person [illegible]
was not then required, [illegible]
the bastard, or other [illegible]
these cases it shall be [illegible]
sembled at the general [illegible]
spite such recognizance [illegible]
quarter sessions, [illegible]
attendance of the [illegible]
and in either of the [illegible]
&c. shall wholly discharge [illegible]

This recognizance may therefore on application to the court, by a motion grounded on the justice's certificate, be either respited or discharged,

If the woman die before delivery, or miscarry, or prove not to be with child, or if no order of filiation shall be made within six weeks after her delivery, the reputed father shall be discharged. 6 Geo. II. c. 31. But in the latter case an order may be afterwards made, and previous to his discharge the overseers should be summoned to shew cause why he should not be discharged.

The recognizance entered into by the sureties being estreated into the Exchequer, in case the order of filiation and maintenance is disobeyed by the reputed father, and consequently of no benefit to the parish, it is therefore most adviseable to take a bond of indemnity, if it can be obtained.

No woman shall be compelled to appear and be examined till she shall have been delivered one month; but if she voluntarily offers, and does swear to the father of the child, before its birth, a warrant may issue against him.

By 18 Eliz. c. 3. the two next justices of the peace where a bastard is born, may charge the reputed father and mother with its maintenance, or on default commit them; and by 13 and 14 Car. II. c. 12. the parish officers, by order of justices, may seize the goods or rents of lands of the father or mother of a bastard towards its maintenance.

The act of 7 James I. c. 4. inflicting twelve months imprisonment on the mothers of bastards, for the first offence, and unlimited imprisonment in default of sureties for the second, is modified by 50 Geo. III. which limits the duration of the imprisonment to twelve months, and not less than six weeks.

The magistrate, on the reputed father being brought before him on a warrant, under 6 Geo. II. has no power to determine on the merits, but is bound to take recognizance or commit, unless the parish is indemnified. The recognizance is to abide the order of the next sessions; but as it is unusual for the quarter sessions to make an order of filiation, two magistrates, under the authority of the statute of Elizabeth, may make it, notwithstanding the father is under recognizance to appear at the sessions; and the order of filiation, if made by two magistrates out of sessions, should be filed at the sessions.

The putative father should be summoned to appear previous to an order of filiation being made, Rex *v.* Cotton, 1 Sess. Ca. 179. and such summons is regular if issued by a third justice; and it is not necessary to the validity of the order, that the putative father should be present, 1 Bott. 482, pl. 638. nor that the mother should be examined in his presence. *Ibid.*

Two magistrates should be present on the taking the woman's examination, and also on her commit-

ment for refusing to be examined.—Billings *v.* Prinn, 2 Black. Rep. 1017.

An order of filiation and maintenance may be made at any time after the child is born, and even after the mother's death; but not after the father's. The order for maintenance may be made upon the father or mother, or both, Comb. 232.—11 Mod. 178. and a copy should be personally served on the party. It may be made for all the charges and expenses incident to the birth of the child, for securing and apprehending the father, making the order of filiation, &c. not exceeding £10. in the whole; 49 Geo. III. c. 68. s. 1. such charges to be ascertained on oath before the justices making the order, or the court of quarter sessions; and if the reputed father, or mother (if made on her) shall neglect or refuse to pay any such sums, according to the order made, any justice of the peace of the county &c. in which such reputed father &c. shall happen to be, on complaint of the overseers of the parish liable to the maintenance of the child, or where such bastard child or children shall then be, on proof on oath of such sum being unpaid, and of demand and refusal to pay, or that such reputed father &c. had left his place of abode and had avoided a demand, to issue his warrant to apprehend such reputed father &c. and bring him before such justice, or any other justice of the county &c. to answer such complaint; and if the money so due is not forth-

with paid, or good cause shewn for non-payment, the said justice may commit such reputed father or mother to the house of correction or common gaol for three months to hard labour, unless the demand be sooner paid. s. 3.

A child dead-born is not within the provision of the statutes relating to bastards, and consequently no order of filiation for the payment of expenses incurred can be made. 14 E. R. 277.

The order of filiation, to be valid, must state the authority of the justices, the examination of the woman on oath, the name (if it has one) and sex of the child, that it was born in the parish for whose relief the order is made, that it is, or is likely to become chargeable,—must adjudge the party to be the reputed father, and specify the sum to be paid weekly, or otherwise, and should restrict the maintenance to the time the child is chargeable.

An appeal lies to the quarter sessions against any order, under 49 Geo. III. c. 68. not originating with the quarter sessions, on giving ten days clear notice before such sessions, to the justices making the order, and to the parish officers on whose behalf the order was made, of the cause and matter of such appeal; and the appellant entering into recognizance within three days after such notice before some justice of the peace to try such appeal, the decision of the sessions shall be final, binding, and conclusive on all parties. 49 Geo. III.

s. 6, 7. But an appeal lies from the quarter sessions to the King's Bench against an order of filiation; and the respondents are to begin by supporting their order. 12 East. 50.

If the parish officers take a bond to indemnify the parish, they can recover, by action of debt, such sum as they have expended in the maintenance of the child, and no more; and the reputed father on payment of the penalty in the bond, is released from the future maintenance of the child, the parties having by this proceeding ascertained the damage by consent; 2 Black. Rep. 1190. and the parish officers can recover on the bond, notwithstanding no justice's order of maintenance had been made for the child;—but the father may, if he pleases, maintain the child, and the parish cannot require him to pay while it is in his own keeping. Rex *v.* Cornforth, 1 Bott. 459.

In no case can parish officers legally take a sum in gross, to indemnify the parish against a bastard child; Cole and another *v.* Gower and another, Hil. Term, 45 Geo. III. and in the event of the child's death, an action will lie against the officers to recover back so much of the money as hath not been reasonably expended.

By 35 Geo. III. c. 101. s. 6. Every unmarried woman with child, shall be taken to be actually chargeable to the parish in which she shall inhabit, and may be removed as such to her last legal settlement; and in case any order of removal ob-

tained for such purpose shall be suspended, and during such suspension the woman shall be delivered of a child, which would be a bastard, every such bastard shall be deemed to be settled in the same parish in which was the legal settlement of the mother at the time of the delivery; and bastards living with their mother for nurture (being under seven years of age) are to be maintained by the parish to which they belong. 1 Bott. 406. pl. 532.

Examination of the Mother before Birth.

—— to wit. The voluntary examination of M. B. of &c. in the said county, single woman, taken on oath before me, one of His Majesty's justices of the peace in and for the said county, this —— day of —— in the year of our Lord 1817, who saith, that she is now with child, and that the said child is likely to be born a bastard, and to be chargeable to the parish of —— in the said county, and that C. D. of &c. in the said county, is the father of the said child. M. B.

Taken and sworn the day and year above written, before me,

J. C.

The like after Birth.

—— to wit. The examination of M. B. of &c. in the said county, single woman, taken on oath before me, one of His Majesty's justices of the peace in and for the said county, this —— day of —— in the year of our Lord 1817, who saith, That on the —— now last past, at —— in the parish of —— in the county aforesaid, she was delivered of a male [or *female*] bastard child, and that the said bastard child is likely to become chargeable to the said parish, and that C. D. of &c. in the said county, [*labourer*], did get her with child of the said bastard child. M. B.

Taken and sworn the day and year above written, before me,

J. C.

Warrant against the Father, before Birth.

To the Constable of ——, in the county of ——.

—— to wit. Whereas M. B. of &c. in the said county, single woman, hath, by her voluntary examination, taken in writing upon oath, before me, one of His Majesty's justices of the peace in and for the said county, this present day, declared herself to be with child, and that the said child is likely to be born a bastard, and to be chargeable to the parish of ——, in the said county, and that C. D. of &c. in the said county, [*labourer*], is the father of the said child.

And whereas E. F. one of the overseers of the poor of the parish of —— aforesaid, in order to indemnify the said parish in the premises, hath applied to me to issue out my warrant for the apprehending the said C. D. I do therefore hereby command you to apprehend the said C. D. and to bring him before me, or some other of His Majesty's justices of the peace for the said county, to find security to indemnify the said parish, or else to enter into a recognizance with sufficient surety, upon condition thereunto annexed, in pursuance of the statute in that case made and provided. Given under my hand and seal, this —— day of —— in the year of our Lord 1817.

Warrant against the Father, after Birth.

To the Constable of ——, in the county of ——.

—— to wit. Whereas M. B. of &c. in the said county, single woman, hath, by her examination taken in writing upon oath before me, one of His Majesty's justices of the peace in and for the said county, declared, that on the —— day of —— now last past, at ——, in the parish of ——, in the county aforesaid, she was delivered of a male [or *female*] bastard child, and that the said bastard child is *(likely to)* become chargeable to the said parish, and hath charged C. D. of &c. in the said county, [*labourer*], with having gotten her with child of the said bastard child.

And whereas E. F. one of the overseers of the poor of the parish of —— aforesaid, in order to indemnify the said parish

in the premises, hath applied to me to issue out my warrant for the apprehending of the said C. D. I do therefore hereby command you immediately to apprehend the said C. D. and to bring him before me, or some other of His Majesty's justices of the peace for the said county, to find security to indemnify the said parish, or else to find sufficient surety for his appearance at the next general [*or general quarter*] sessions of the peace, to be holden for the said county, then and there to abide and perform such order or orders as shall be made, in pursuance of the statutes in that case made and provided. Given under my hand and seal, the —— day of ——, in the year of our Lord 1817.

Recognizance before Birth,

By 49 Geo. III. c. 68.

—— to wit. Be it remembered, That on the —— day of ——, in the 57th year of the reign of our sovereign Lord George III. of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, and so forth, A. B. of &c. in the county aforesaid, [*smith*], and C. D. of &c. in the said county, [*labourer*], personally came before me, J. C. Esq. one of the justices of our said Lord the King, assigned to keep the peace within the county aforesaid, and acknowledged themselves to owe to our said Lord the King, that is to say, the said A. B. the sum of £. —— and the said C. D. the sum of £. —— severally, of good and lawful money of Great Britain, to be made and levied of their goods and chattels, lands and tenements respectively, to the use of our said Lord the King, his heirs and successors, if he the said A. B. shall make default in the condition hereunder-mentioned.

Whereas E. F. of &c. in the parish of ——, in the county aforesaid, single woman, hath in and by her voluntary examination, taken in writing, and upon oath, before W. S. Esq. one of his Majesty's justices of the peace in and for the said county, declared, that she is with child, and that the said child is likely to be born a bastard, and to be chargeable to the said parish of ——, and that the above-bounden A. B. is the father of the said child. The Condition of this recognizance is such, that if the above-bounden

A. B. do and shall appear at the next general [or *general quarter*] sessions of the peace to be holden for the said county, and shall abide and perform such order or orders as shall be made, in pursuance of an act passed in the eighteenth year of the reign of her late Majesty Queen Elizabeth, concerning *bastards born and begotten out of lawful matrimony*, unless one of the justices of our said Lord the King, assigned to keep the peace within the county aforesaid, shall have certified, in writing, under his hand, to such general, [or *general quarter*] sessions of the peace, that it had been proved before him, upon the oath of one credible witness, that such single woman had not been then delivered, or had been delivered within one month only previous to the day on which such general [or *general quarter*] sessions of the peace shall be holden, or unless two justices of the peace of the said county shall have certified, in writing, under their hands to the next, or where such woman shall not have been delivered as aforesaid, then to the immediately subsequent general [or *general quarter*] sessions of the peace, that an order of filiation had been already made on the said A. B. or that such order was not then requisite to be made, on account of the death of the child born a bastard, or for other like sufficient reason: Then this recognizance to be void, otherwise to remain in full force.

Recognizance after Birth.

The Obligation *(as before)*

Whereas E. F. of &c. single woman, in and by her examination, taken in writing upon oath, before me, S. P. Esq. one of His Majesty's justices of the peace in and for the county of ——, hath declared, that on the —— day of —— now last past, at ——, in the parish of ——, in the county aforesaid, she was delivered of a male bastard child, and that the said bastard child is become chargeable to the said parish, and hath charged the within-named A. B. with having gotten her with child of the said bastard child.

The CONDITION of the within-written recognizance is such, that if the within-bounden A. B. doth and shall appear at the next general [or *general quarter*] sessions of the peace to be holden for the said county, and shall abide and perform such

order or orders as shall be made in pursuance of an act passed in the eighteenth year of the reign of her late Majesty Queen Elizabeth, concerning bastards begotten and born out of lawful matrimony; then this recognizance to be void, otherwise to remain in full force.

Warrant to apprehend the Mother of a Bastard, in order to her being sent to the House of Correction.

To the Constable of —— in the county of ——.

—— to wit. FORASMUCH as E.F. of —— in the said county, yeoman, hath this day made oath before us, J. C. and S. P. Esquires, two of His Majesty's justices of the peace in and for the said county, that A. B. late of —— in the said county, single woman, on the —— day of —— last past, was delivered of a male [or *female*] bastard child, at —— in the parish of —— in the said county, and that the said bastard child is now living, and chargeable to the said parish of ——; These are therefore to command you, in His Majesty's name, to apprehend and bring before us, the said A. B. to answer the premises, and to be further dealt with according to law. Herein fail you not. Given under our hands and seals, the —— day of —— 1817.

J. C.
S. P.

Commitment to the House of Correction.

J. C. and S. P. Esquires, two of the Justices of our Lord the King, assigned to keep the peace, within the county of ——, to the Constable of ——, in the said county, and to the Keeper of the House of Correction at —— in the said county.

—— to wit. These are to command you, the said constable, in His said Majesty's name, forthwith to convey and deliver into the custody of the said keeper of the said house of correction, the body of A. B. late of —— in the said county, single woman, charged before us, upon the oath of E. F. of —— in the said county, yeoman, with having been delivered

of a male [or *female*] bastard child, on the —— day of —— now last past, at —— in the parish of —— in the said county, which said bastard child is now living and chargeable to the parish of ——; And you, the said keeper, are hereby required to receive the said A. B. into your custody, in the said house of correction, and her there to set to work during the term of [*any time not exceeding twelve calendar months, nor less than six weeks*], according to the form of the statute in that case made and provided. Herein fail you not. Given under our hands and seals, the —— day of —— 1817.

J. C.
S. P.

Commitment for refusing to swear to the Father.

To the Constable, &c. *(as in last Precedent.)*

—— to wit. Whereas E. F. one of the overseers of the poor of the parish of —— in the said county, hath made information and complaint unto us, J. C. and S. P. Esquires, whose hands and seals are hereunto set, being two of His Majesty's justices of the peace in and for the said county of ——, that A. B. a lewd single woman, of the said parish of ——, was, on the —— day of —— last past, delivered of a male [or *female*] bastard child, within the said parish of ——, which said child was begotten and born out of lawful wedlock, and is now living, and is likely to become [or *is actually become*] chargeable to the said parish of ——; And whereas the said A. B. hath refused, and still doth refuse to swear to the father of the said bastard child, or to give security to indemnify the said parish of ——, as by law is required. These are, therefore, in His Majesty's name, to require and authorige you, the said constable, to convey the said A. B. to the house of correction at —— in the said county, and to deliver her to the keeper thereof, together with this precept. And you, the said keeper, are hereby required to receive the said A. B. into your custody, and there to punish her and set her to work, for and during the term of —— [*as in the last Precedent*], according to the form of the statute in that case made and provided. Herein fail not at your respective perils. Given under our hands and seals, this —— day of —— in the year of our Lord 1817.

J. C.
S. P.

Justice's Certificate that Mother of Bastard was not delivered, to ground a Motion for continuing the reputed Father on his Recognizance.

To the Court of General Quarter Sessions of the Peace, holden at ——, in and for the county of ——, the —— day of —— 1817.

—— to wit. Whereas C. D. and his sureties are now bound by recognizance for the personal appearance of the said C. D. at the above-mentioned sessions, to answer the complaint of the churchwardens and overseers of the poor of the parish of ——, in the said county, for begetting A. B. of the said parish, single woman, with child.

Now I, one of His Majesty's justices of the peace, acting in and for the said county, do hereby certify, that it hath been this day proved before me, upon the oath of E. F. a credible witness, that the said A. B. hath not yet been delivered of the bastard child or children with which she is now pregnant, [or that she the said A. B. was delivered of a [*male*] bastard child, within one month only previous to the —— day of ——, on which the said general or quarter sessions will be holden, to wit, on the —— day of ——, in the year of our Lord 1817.] Given under my hand, this —— day of —— 1817.

Certificate for discharging the reputed Father's Recognizance.

To the Court of General Quarter Sessions of the peace to be holden at —— in and for the said county of ——, on —— the —— day of ——, in the year of our Lord 1817.

—— to wit. Whereas A. B. of the parish of —— in the said county of ——, and C. D. of ——, and E. F. of ——, sureties of the said A. B. on the —— day of —— in the year of our Lord 1817, became bound by a recognizance for the personal appearance of the said A. B. at the above-mentioned general quarter sessions, to answer the complaint of the churchwardens and overseers of the poor of the parish of ——, in the said county, for begetting G. H. of the parish of ——, in the county aforesaid, single woman, with child, and which said child or children whereof she the said G. H. then was pregnant,

were likely to be born a bastard or bastards; and to abide and perform such order or orders, as should then be made in pursuance of an act made in the 18th year of the reign of Queen Elizabeth, concerning bastards begotten and born out of lawful matrimony; Now we, J. C. and S. P. Esquires, two of His Majesty's justices of the peace in and for the said county of ——, do hereby, in pursuance of the authority and directions of the act of 49 Geo. III. c. 68. intituled, "An Act to explain and amend the Law of Bastardy, so far as relates to indemnifying parishes in respect thereof," certify that it is not requisite to make any order of filiation in the premises, on the said —— so charged as aforesaid, by reason that the said bastard child is dead, [or *any other cause which may render the recognizance unnecessary*.] Given under our hands and seals, this —— day of —— in the year of our Lord 1817.

Commitment of the Father for want of Sureties.

To the Constable of ——, in the county of ——, and to the Keeper of the Common Gaol, *(or House of Correction,)* at —— in the said county.

—— to wit. Whereas A. B. of &c. single woman, in her voluntary examination, taken in writing, and upon oath, before me, one of His Majesty's justices of the peace in and for the said county, hath declared herself to be with child, and that the said child is likely to be born a bastard, and to be chargeable to the said parish of ——, and hath charged C. D. of &c. [*labourer*], with having gotten her with child of the said bastard child.

And whereas the said C. D. being now personally present before me, (being brought by my warrant, upon application for that purpose to me made by E. F. one of the overseers of the poor of the said parish), hath refused to give security to indemnify the said parish, and hath also refused to enter into a recognizance, with sufficient surety, upon condition to appear at the next general [or *general quarter*] sessions of the peace, to be holden for the said county, and to abide and perform such order or orders as shall be made, in pursuance of the statutes in that case made and provided:

These are therefore to command you, the said constable, to take and convey the said C. D. to the common gaol, [or

house of correction aforesaid, and to deliver him to the keeper thereof, together with this warrant. And I do hereby command you, the said keeper, to receive the said C. D. into your custody, and him there safely to keep until he shall give such security or enter into such recognizance as aforesaid, or be otherwise lawfully delivered from thence.

Given under my hand and seal, the —— day of —— in the year of our Lord 18[illegible].

Commitment of the Bastard.

To the Constable of ——.

—— to wit. Whereas A. B. of the single woman, in her examination, taken in writing on oath, the —— day of —— now last past, before me C. D. Esq. one of His Majesty's justices of the peace in and for the said county, did declare That on the —— day of —— now last past, at —— in the parish of —— in the county aforesaid, she the said A. B. was delivered of a male bastard child, which is now living and become chargeable to the said parish of ——; and that C. D. of —— in the said county, [*labourer*], did get her with child of the said male bastard child. And whereas on [*in the last precedent*].

Bastardy Bond to indemnify the Parish.

Know all men by these presents, That we —— of —— in the county of ——, and —— of ——, are held and firmly bound unto ——, churchwardens, and ——, overseers of the poor of the parish of —— in the said county, in the penalty of —— pounds of good and lawful money of Great Britain, to be paid to the said —— or their certain attorney, executors, administrators or assigns; to which payment well and truly to be made, we bind ourselves and each of us, jointly and severally, and our and each and every of our heirs, executors and administrators, firmly by these presents, sealed with our seals, dated the —— day of —— in the —— year of the reign of our sovereign Lord George the ——, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, and in the year of our Lord 18[illegible].

The CONDITION of this obligation is such, That whereas A. B. of ——, single woman, hath in and by her voluntary examination, taken in writing and upon oath, before me S. P. Esq. one of His Majesty's justices of the peace in and for the said county of ——, declared that on the —— day of —— now last past, at —— in the parish of ——, in the county aforesaid, she the said A. B. was delivered of a male bastard child, and hath charged the above-bounden C. D. with having gotten her with child of the said bastard child. If therefore the said C. D. and E. F. or either of them, their or either of their heirs, executors, or administrators, do and shall from time to time, and at all times hereafter, fully and clearly indemnify and save harmless, as well the above-named churchwardens and overseers of the poor of the said parish of ——, and their successors for the time being, as also all and singular the other parishioners and inhabitants of the said parish of ——, which now are, or hereafter shall be for the time being, of and from all manner of costs, taxes, rates, assessments, and charges whatsoever, for or by reason of the birth, education, and maintenance of the said child, and of and from all actions, suits, troubles, and other charges and demands whatsoever, touching or concerning the same, then this present obligation to be void, otherwise of force.

Signed, sealed, and delivered, (being first duly stamped), in the presence of

Summons to Overseers, to shew Cause against the Discharge of reputed Father.

—— to wit. To —— and ——, Overseers of the Poor of the parish of ——, in the said county.

Whereas A. B. of ——, single woman, in and by her voluntary examination, taken in writing upon oath, the —— day of —— now last past, before me S. P. Esq. one of His Majesty's justices of the peace in and for the said county, did declare herself to be with child, and that the said child was likely to be born a bastard, and to be chargeable to the said parish of ——, and that C. D. of ——, yeoman, did get her with child of the said child. And whereas

by virtue of my warrant issued at the instance and request of O. P. one of the overseers of the poor of the said parish, the said C. D. was on the —— day of —— last past, brought before me, and having refused to give security to indemnify the said parish of ——, and having also refused to enter into a recognizance, with sufficient surety, upon condition to appear at the next general quarter sessions [or *next general sessions*] of the peace, to be holden in and for the said county of ——, and to abide and perform such order as should be made, in pursuance of an act passed in the eighteenth year of the reign of her late Majesty Queen Elizabeth concerning bastards begotten and born out of lawful matrimony, he the said C. D. was on the said —— day of —— by me committed to the house of correction [or *common gaol*] at ——, pursuant to the directions of an act of parliament passed in the sixth year of the reign of our late Sovereign Lord King George the Second, intituled "An Act for the Relief of Parishes and other Places, from such Charges as may arise from Bastard Children born within the same."—And whereas the said C. D. doth allege that it is more than six weeks since the said A. B. was delivered of the said child, and that no order hath been made in pursuance of the said act of the eighteenth year of her said late Majesty Queen Elizabeth; These are therefore, in His Majesty's name, to summon and require you the said —— and —— to appear before us at —— in the said county, on —— the —— day of —— now next ensuing, at —— of the clock in the —— noon of the same day, to shew cause why the said C. D. should not be discharged from his imprisonment in the said house of correction, [or *common gaol*] as is directed by the said act of the sixth year of his said late Majesty King George the Second.

Given under my hand &c.

Discharge of the Father for want of Order being made, under 18 Eliz.

To the Governor or Keeper of the House of Correction at —— in the said county.

—— to wit. Whereas A. B. of the parish of —— in the said county, single woman, in her examination, taken in writing and upon oath, the —— day of —— last past, before

me, then and now one of His Majesty's justices of the peace for the said county, and residing near to the limits where the said parish doth lie, did therein declare That she was on the —— day of —— last, delivered of a male bastard child in the said parish of ——, and did therein charge C. D. of —— with having gotten the said child on her body. And whereas the said C D. when brought before me, (by virtue of my warrant, issued upon application made to me by L. M. one of the overseers of the poor of the said parish of ——), did refuse to give security to indemnify the said parish, and did also refuse to enter into a recognizance, with sufficient surety, upon a condition thereunto annexed, in pursuance of the statute in such case made and provided; whereupon I did by warrant under my hand and seal, bearing date the —— day of —— last past, commit the said C. D. to the house of correction at —— in the said county.

And whereas L. M. one of the overseers of the poor of the said parish of ——, hath this day appeared before me, pursuant to my summons, but hath not shewn any cause why the said C. D. should not be discharged from his imprisonment, as the statute doth direct; [or *if the overseers do not appear to the summons, say*, And whereas L. M. and N. O. overseers of the poor of the parish of ——, have neglected and refused to appear before me, at the time and place appointed by my summons for them to shew cause why the said C. D. should not be discharged from his imprisonment, as the statute directs, although it appears to me, upon oath, that they were duly summoned for that purpose;] and it having been duly proved before me, on oath, That it is now more than six weeks since the said A. B. was delivered of the said child, and also that no order hath been made, in pursuance of the act of the eighteenth year of her late Majesty Queen Elizabeth.

These are therefore, in His Majesty's name, to authorize and require you, the said governor or keeper, not to detain the said C. D. any longer in your custody, but that you do forthwith release him from thence and suffer him to go at large, provided he is charged with no other offence.

Given under my hand and seal, the —— day of —— in the year of our Lord 1817.

Warrant for the Mother, and to summon the reputed Father, previous to making Order of Filiation.

To the Constable of —— in the county of ——.

—— to wit. Whereas information hath been made unto us, two of His Majesty's justices of the peace in and for the said county, one whereof is of the quorum, and both of us residing next unto the limits of the parish church within the parish of —— in the said county, as well upon the complaint of the churchwardens and overseers of the poor of the said parish as on the oath of A. B. of —— single woman, that on the —— day of —— last past, she the said A.B. was delivered of a male bastard child at —— in the said parish, and that C. D. of —— in the said county, is the father of the said bastard child, which bastard child is now living and is become chargeable to the said parish of ——.

These are therefore to command you to bring the said A. B. before us at —— in the said county, on —— the —— day of —— at the hour of —— in the —— noon of the same day, to be by us further examined touching the premises; and that you give notice thereof unto the said C. D. that he may likewise be present at the time and place aforesaid to make his lawful defence: to the end that upon the examination of the cause and circumstances we may take such order therein as to right doth appertain. And what you shall do in the execution hereof, you are to make known to us at the time and place aforesaid.

Given under our hands and seals, this —— day of —— in the year of our Lord 1817.

Order of Filiation and Maintenance.

The Order of J. C. and S. P. Esquires, two of His Majesty's Justices of the Peace in and for the county of ——, one whereof is of the quorum, and both residing next unto the limits of the parish church within the parish of —— in the said county, made the —— day of —— in the year of our Lord 1817, concerning a male [or *female*] bastard child,

lately born in the parish aforesaid of the body of A. B. single woman.

—— to wit. Whereas it hath been duly made appear unto us the said justices, as well upon the complaint of the churchwardens and overseers of the poor of the parish of ——, as upon oath of the said A. B. that she was delivered of a male [or *female*] bastard child at —— in the said parish, on the —— day of ——, and that the said bastard child is now chargeable to the same, and likely so to continue; and further, that C. D. of —— in the said county, [*labourer*], did beget the said bastard child on the body of her the said A. B. And whereas the said C. D. hath appeared before us, in pursuance of our summons for that purpose, but hath not shewn any sufficient cause why he, the said C. D. shall not be the reputed father of the said bastard child: [or, *And whereas it hath been duly proved unto us, upon oath, that the said C. D. hath been duly summoned to appear before us the said justices, to the end we might examine into the cause and circumstance of the premises; And whereas the said C. D. hath neglected to appear before us, according to the said summons.*] We, therefore, upon the examination of the cause and circumstances of the premises, as well upon the oath of the said A. B. as otherwise, do hereby adjudge him the said C. D. to be the reputed father of the said bastard child.—And thereupon we do order, as well for the better relief of the said parish of ——, as for the sustenance and relief of the said bastard child, that the said C. D. shall and do forthwith, upon notice of this our order, pay, or cause to be paid to the churchwardens or overseers of the poor of the said parish, or to some or one of them, the sum of —— for and towards the maintenance of the said bastard child, to the time of making this our order.—And we do also hereby further order that the said C. D. shall likewise pay, or cause to be paid to the churchwardens or overseers of the poor of the said parish of —— for the time being, or some or one of them, the sum of —— weekly and every week from this present time, for and towards the keeping, sustentation, and maintenance of the said bastard child for and during so long time as the said bastard child shall be chargeable to the said parish. And we do further order that the said A. B. shall also pay, or cause to be paid to the said churchwardens or overseers of the poor of the said parish of —— for the time being, or some or one of

them, the sum of —— weekly and every week, so long as the said bastard child shall be chargeable to the same, in case she shall not nurse and take care of the child herself. And we do also hereby further order that the said C. D. shall likewise pay, or cause to be paid to the churchwardens and overseers of the poor of the said parish of —— for the time being, or to some or one of them, the sum of —— for the reasonable charges and expenses incident to the birth of the said bastard child: And also the further sum of —— for the reasonable costs of apprehending and securing the said C. D: And also the further sum of —— for the reasonable costs of obtaining our order for the filiation of the said bastard child; the said several sums of money, being the reasonable charges and expenses incident to the birth of the said bastard child, and the reasonable costs of apprehending and securing the said C. D. and of our order of filiation, duly and respectively ascertained on oath before us, in pursuance of the statute in such case made and provided. Given under our hands and seals, the day and year first above written.

J. C.
S. P.

Information against reputed Father for disobeying &c. Order of Filiation, by 49 Geo. III.

—— to wit. The information and complaint of A. B. one of the overseers of the poor of the parish of —— in the said county, taken before me J. C. Esq. one of His Majesty's justices of the peace for the said county, the —— day of —— 1817, who upon his oath saith, that by an order under the hands and seals of [*recite the order of filiation*]. And that the said bastard child is living in and maintained by the said parish of ——, and that he the said C. D. has had due notice of the said order, and that the said sum of money in the said order named has not yet been paid, and that demand of payment thereof hath been made upon the said C. D. but that the said C. D. hath refused to pay the same, [or *if he has absconded to avoid demand, say*, hath left his usual place of abode, and hath thereby avoided a demand of the said sum of ——, being made by him the said A.B. upon him the said C. D.] whereby the sum of —— is now due and owing from the said C. D.

to the churchwardens and overseers of the said parish of ——, on the account aforesaid; And therefore the said A. B. prays me the said justice, that the said C. D. may be brought before me or some other of His Majesty's justices of the peace for the said county of ——, to answer the premises and to make his defence thereon.

Taken before me,

T. C.

Summons thereon.

To the Constable of ——.

—— to wit. Whereas information and complaint upon oath hath been made before me J. C. Esq. [*state the substance of the information*]: Now I do hereby command you that you duly summon the said C. D. to appear before me on —— the —— day of —— next, at —— in the county aforesaid, at the hour of —— in the forenoon, to answer the said complaint, and to be further dealt with according to law. Given under my hand and seal &c.

Commitment thereon.

—— to wit. To the Constable of the parish of ——, and also to the Keeper of the —— at ——, in the county aforesaid.

[*First recite the information and summons thereon*]. And whereas the said C. D. [*these words are left out if the party appear*], being first duly summoned [*or, and whereas the said C. D. having been thereupon duly summoned, doth not appear before me &c.*] now appears before me the said justice to answer unto the said complaint, and to be further dealt with according to law; and it appeareth unto me the said justice, as well on the oath of the said A. B. as otherwise, that the said sum of —— is now due and owing from the said C. D. to the churchwardens and overseers of the poor of the said parish of ——, on the account aforesaid. But the said C. D. being called upon by me the said justice, to shew cause why the said sum is so unpaid, doth not shew to me any reasonable or sufficient cause for the same; I the said justice do therefore order and adjudge that he the said C. D. is guilty of the offence afore-

said, and that for his offence aforesaid he be committed, and he is accordingly by me hereby committed to the public house of correction [or *the common gaol*] of the said county of ——, to be kept there to hard labour for the space of three months, unless he the said C. D. shall, before the expiration of the said three months, pay, or cause to be paid to one of the overseers of the poor of the parish of —— the said sum of money so due and unpaid as aforesaid; And I do hereby charge and command you the said constable forthwith to take and convey the said C. D. to the public house of correction [or *as the case may be*] at —— in the said county of ——, and there deliver him to the keeper thereof, together with this precept. And I do hereby also command you the said keeper of the said public house of correction to receive the said C. D. into your custody in the said house, and him there safely to keep to hard labour for the space of three months, unless he the said C. D. shall before the expiration of the said three months pay, or cause to be paid to one of the overseers of the parish of ——, on whose behalf the aforesaid complaint has been made, the said sum so due and unpaid as aforesaid. Given under &c.

Condition of a Recognizance to be taken to appear at the next Sessions, after the Order of Filiation not performed.

Whereas by an order under the hands and seals of us, two of His Majesty's justices of the peace in and for the said county, one whereof is of the quorum, and both of us residing within (or near unto) the limits of the parish church of —— in the said county, A. B. of ——, is adjudged to be the reputed father of a [*female*] bastard, lately born of the body of C. D. of ——, single woman, at —— in the parish of ——. And whereas it was in and by such order ordered, [*state the particulars of the order*]. And whereas the said A. B. hath not observed or performed the said order. The CONDITION therefore of this recognizance is such, That if the above-bounden A. B. shall observe and perform the said order, or shall personally appear at the next general sessions of the peace to be holden in and for the said county, and shall then and there abide such order as shall be then made by the court concerning such bastard child, if any such order shall be then made; and if no such order shall be then

made by the said court, if the said A. B. do and shall perform the order already by us made as aforesaid, then this recognizance to be void.

Warrant to seize the Goods, &c. of the Father of a Bastard, under 13 and 14 Car. II. c. 12.

To the Churchwardens and Overseers of the Poor of the parish of —— in the said county of ——.

—— to wit. Whereas B. C. and E. W. churchwardens, and L. L. and F. M. overseers of the poor of the said parish, have made complaint unto us, W. S. and J. C. Esquires, two of His Majesty's justices of the peace in and for the said county, one whereof is of the quorum, that C. D. late of the said parish of ——, hath run away from the said parish of ——, and that the place of his abode cannot be discovered, and that the said C. D. hath left his male bastard child, aged —— years, and born within the said parish of ——, chargeable to the said parish, although the said C. D. hath an estate, consisting of —— [*as the fact is*], situate at ——, sufficient to discharge such parish from the maintenance of the said bastard child. And whereas we the said justices have duly examined into the cause and circumstances of the said complaint, as well upon oath as otherwise, and it doth appear to us, and we do adjudge that the said complaint is true; and we also adjudge him the said C. D. to be the reputed father of the said bastard child; These are therefore to authorize you the said churchwardens and overseers of the poor of the said parish of ——, to take and seize so much of the goods and chattels, and to receive so much of the annual rents and profits of the said lands of the said C. D. situate at —— aforesaid, as shall amount to, or be sufficient to raise and pay the sum of £ ——, which we do hereby appoint and order you to receive towards the discharge of the said parish, and for the bringing up and providing for the said bastard child; and you are hereby required to attend at the next general quarter sessions of the peace to be holden at the Sessions House at —— in and for the said county of ——, in order that the present order may be then and there confirmed, according to the statute in that behalf made and provided. Given &c.

BAWDY-HOUSE.

Keeping a bawdy-house is an indictable offence, and the constable, on notice or oath of two inhabitants before a justice of the peace, of persons keeping a bawdy-house, shall prosecute; the charges of which shall be borne by the parish, and £10. on conviction shall be paid to the informers by the overseers, on pain of forfeiting double; and the persons keeping such houses (the manager to be so deemed) shall be bound over to the sessions. Constable neglecting his duty to be fined £20. Inhabitants may be witnesses, and no indictment to be moved by *certiorari*. 23 *Geo. II. c.* 36, made perpetual by 28 *Geo. II. c.* 19.

Warrant to apprehend the Keeper of a Bawdy-House.

To the Constable of ——.

—— to wit. Whereas C. D. and E. F. two inhabitant householders of the parish of —— in the said county, have this day severally made complaint upon oath, before me S. P. Esq. one of His Majesty's justices of the peace acting in and for the said county, that G. H. of the said parish, keeps a house of ill-fame, and that lewd women frequently resort thither with men of dissolute lives, to the great scandal of the neighbourhood, the encouragement of vice and debauchery, and against the King's peace; These are, therefore, in His Majesty's name, to command you to bring the said G. H. before me at ——, on —— the —— day of —— next, at —— o'clock in the —— noon, to answer to the complaint of the said C. D. and E. F. and to be further dealt with according to law. Given under my hand and seal, the —— day of —— 1817.

BENCH WARRANT

Is granted by the justices at the quarter sessions to apprehend a party against whom a true bill is found, to compel him to give bail to appear and plead to the indictment.—Upon the party being taken, he may give recognizance to any magistrate who will grant a *supersedeas*; but it is proper that the magistrate should be satisfied of the sufficiency of the bail; if not, he may require notice (at least twenty-four hours) to be given to the prosecutor, of their names and additions, and when, where, and before whom the bail is intended to be put in, to give the prosecutor an opportunity of opposing them if necessary.—See title *Bail.*

Form of a Bench Warrant.

To all Constables and other Peace Officers within the county of ——, and to every of them.

—— to wit. These are to will and require, and in His Majesty's name to command you, upon sight hereof, to bring before us His Majesty's justices of the peace for the county aforesaid, at the general quarter sessions of the peace now holden at ——, in and for the said county, the body of A. B. who stands indicted before us, at this same sessions, for an assault, if the court shall be then and there sitting; or if not, before us or some other of His Majesty's justices of the peace of the same county, to find sufficient sureties for his personal appearance at this present sessions, to answer the said indictment; and if he cannot be taken during the present sessions, that then as soon after as he shall be taken, you bring or cause him to be brought before us, or some or one of us, or before some other of His Majesty's justices of the peace for the said

county, to find sufficient sureties; that is to say, two sureties in £20. each, for his personal appearance at the next sessions of the peace to be holden for the said county, to answer as aforesaid, and to be further dealt with according to law. Dated in open sessions at —— aforesaid, this —— day of —— 1817.

BIGAMY

Is the marrying of two or more wives, and should be more properly called polygamy.—By stat. *Jac. I.* c. 11, any person marrying, (the former husband or wife being living,) is guilty of felony within clergy; but by 35 *Geo. III.* c. 67, offenders are subject to the penalties of grand or petit larceny, (i.e. Transportation, &c.)

The statute *Jac. I.* excepts five cases, 3 *Inst.* 89.—1st. Where the party has been constantly abroad for seven years and no notice of his being alive.—2nd. In this kingdom, and being the same time absent, the party having no knowledge of the other being alive.—3rd. A divorce *à mensa et thoro.*—4th. Where the first marriage is legally declared void;—and 5th. Where either of the parties were under any legal disability to contract matrimony. 1 *Haw. P. C.* 174.

The parties may be proceeded against in the county where they shall be taken, as if the offence had been committed there; the caption of the party is therefore added to the following warrant of commitment, in order to give jurisdiction to the justice

of the peace for the county, where the offender was apprehended. That part to be left out if the party is taken where the crime was committed.

Warrant of Commitment for Bigamy.

To the Gaoler or Keeper of ——.

—— to wit. Receive into your custody in the said gaol, and there safely keep until he shall be discharged by due course of law, the body of A. B. herewith sent you, and charged before me W. S. Esq. one of His Majesty's justices of the peace in and for the said county, on the oaths of C. D. E. F. and others, for that he the said A. B. on the —— day of —— in the year of our Lord 1817, at the parish of —— in the county of ——, did marry one G. H. spinster, and her the said G. H. then and there had for his wife; and that the said A. B. afterwards, to wit, on the —— day of —— in the year aforesaid, in the parish aforesaid, feloniously did marry and take to wife one L. S. spinster, the said G. H. his former wife being then living, against the form of the statute in that case made and provided; the said C. D. having also made oath before me the said justice, that the said A. B. was apprehended and taken for the said felony in the parish of —— in the said county of ——. Given under my hand and seal this —— day of —— 1817.

BREAD.

The acts regulating the due making of bread, &c. are distinguished by general and local acts, the latter only having reference to the City of London and liberties thereof, and within the weekly bills of mortality, and ten miles of the Royal Exchange; the former have a general operation, and it becomes necessary to abstract the clauses of the fol-

lowing acts distinctly, particularly [illegible] *Justice*, the acts regulating the [illegible] *London* and its liberties are wholly [illegible] extraordinary principle that these acts are [illegible] not within the design of his [illegible] extent of London and its liberties [illegible] bills of mortality, is surely a [illegible] noticing them, when it is considered [illegible] victions take place within the [illegible] acts than in all the rest of the [illegible]

Of the general act first—by [illegible] if any person residing beyond [illegible] ten miles of the Royal Exchange [illegible] deficient in weight according to the assize [illegible] tice, before whom any information [illegible] on the oath of one witness, may grant a warrant to enter the house, shop, stall [illegible] day time, and try and weigh all the bread [illegible] within 24 hours next preceding the time of his being weighed; and if any deficiency appear on the average weight of the whole of such bread [illegible] thereof on oath, the party shall be convicted in the penalty of not exceeding 5*l.* per cwt. for every cwt. deficient; and by the same act such bread [illegible] feited and disposed of as the magistrate [illegible] fit, except it shall be proved on oath of one or more respectable housekeeper that such deficiency arose from unavoidable accident.

Bakers to have weights and scales in their [illegible] and any person purchasing bread may require the

same to be weighed in their presence, and if any loaf is deficient in weight, the purchaser shall have the deficiency made up with other bread, or another loaf given in lieu; and baker offending, on conviction, shall forfeit not exceeding 10s. either on the oath of one or more witnesses, or by confession. *s.* 2.

No bread, rolls, or cakes to be baked on Sunday between the hours of ten in the forenoon and half past one in the afternoon; and no baker shall sell or expose to sale any bread, rolls, or cakes, &c. or bake or deliver any meat, puddings, &c. at any time after half past one o'clock in the afternoon, or in any other way carry on the trade of a baker, except as far as it may be necessary in setting, &c. the dough for the following day's baking; and no meat, &c. to be brought to or taken from any bakehouse during divine service, nor within a quarter of an hour after the commencement thereof. Every person offending, shall forfeit for the first offence 5s. for the second 10s. and for the third and every subsequent offence 15s. The conviction to be within two days from the commission of the crime, on view of a justice, confession, or proof by one or more witnesses, and the offender to pay the costs of the conviction, to be ascertained by the justice convicting; the amount thereof, not exceeding 3s. per day, to be paid to the prosecutor, and the residue to the poor of the parish where offence committed; and if penalty and costs not paid within three days after

conviction, the same may be levied by distress and sale, and in default the offender to be committed to the house of correction, for the first offence not exceeding seven days, second offence fourteen days, and for third and every subsequent offence not exceeding twenty-one days, unless penalty and costs sooner paid. *s.* 3.

By 31 *Geo. II. c.* 29, *s.* 24. all former acts relating to the assize of bread are repealed, and it is by this act enacted, that it shall be lawful for the persons therein authorized, to set the assize and weight of bread, and the price to be paid for the same, *s.* 2. which shall be made with reference to the price of grain, meal, or flour in the markets near which such assize is set; and where an assize is set, no person shall sell or expose to sale any sort of bread, except wheaten and household, and such other sorts of bread as shall be allowed in the assize; and if any person offend and be convicted, by confession or oath of one witness, before any magistrate, within his jurisdiction, he shall forfeit not more than 40s. nor less than 20s.

By 53 *Geo. III. c.* 116, it is enacted that as often as the court of mayor and aldermen in any city where such court is; and if no such court, or being such when the same does not sit, the mayor, bailiff, or other chief magistrate of such city; and in towns corporate or boroughs, the mayor, &c. or two or more justices, if no mayor, &c. shall deem it expedient to fix the assize of bread, they

shall appoint a fit person (not being a corn-factor, miller, maltster, baker, clerk, agent, or person dealing in wheat, flour, or bread,) residing in or near such city, &c. to be a receiver of assize returns; and such mayor or justices shall require all corn-factors, mealmen, &c. to make returns on a certain day of all wheat and wheaten flour bought or sold by them within seven days preceding, with the prices and the names and residences of the persons of whom bought, or to whom sold, *s.* 3. receiver of assize returns, shall make up a general return, and within two days after such general return, the mayor or justices to set the assize; such assize to commence and continue as directed by the court of mayor, aldermen, &c. and where wheat or flour has been brought from a distance, an addition may be made to the assize. *s.* 9.

Any corn-factor, &c. making a false return, to forfeit not exceeding £10. and in order to ascertain the correctness of such return, the person making it, or any other person who can give information thereof, may be summoned and examined, and if they neglect to appear, they shall forfeit a like sum of £10; any person wilfully forswearing himself, shall be deemed guilty of perjury. *s.* 12.

The act 36 *Geo. III. c.* 22, is partly amended and partly repealed by 41 *Geo. III. c.* 12, which enacts, that bread shall not be marked according to the directions of that act, but that wheaten bread of an inferior quality, or any mixed bread, shall be

marked with a roman H, and a mixed loaf with a roman X. *s.* 3.

Any person omitting such marks, or who shall not well make, or shall adulterate such wheaten or mixed bread with any mixture or ingredient not used in making bread; or shall make, bake, or sell any loaves deficient in weight, according to the assize, such persons offending shall be liable to the like punishment as any bakers or makers of bread are for the like misdemeanor, *s.* 4. as provided by 31 *Geo. II. c.* 29, by which act a penalty of not more than £10. nor less than 40s. is inflicted for such offence, on conviction by confession or oath of one witness, or imprisonment not more than one month, nor less than ten days; if a servant is convicted of the offence, he is to forfeit not more than £5. nor less than 20s. or like imprisonment; magistrate may, out of the penalty, publish the offence, with names and additions of offenders, in the newspapers; and the mixing adulterated with good meal, incurs the same penalty. *s.* 21.

Bread, inferior to wheaten, shall not be sold at a higher price than household (by assize,) on penalty of 20s. on oath of one witness, or confession. *s.* 27.

Mixing any meal or flour of any other grain than that of the grain which the same shall import to be, or putting in any mixture in lieu of flour, incurs a penalty of not more than £5. nor less than 20s. *s.* 23. and for selling at a greater

price than the assize price, not more than 40s. nor less than 10s. *s.* 26.

Mills and other places may be entered by warrant of a magistrate, on information on oath of reasonable suspicion that adulterated meal is concealed, and if any found, the same may be seized and disposed of as the magistrate shall think fit; *s.* 29. and any unlawful ingredient, for the purpose of mixing with meal or flour, in the possession of any miller, mealman, baker, &c. such person shall forfeit not exceeding £10. nor less than 40s. unless it can be proved that such ingredients were not bought for the purpose of adulteration. *s.* 30.

Penalty for obstructing search, not more than £5. nor less than 20s. *s.* 31.

If baker, &c. make appear to a magistrate, upon oath, that he hath been convicted and paid any penalty through the misconduct of his servant, such servant on proof shall recompense his master, or be committed to the house of correction for one calendar month. *s.* 33.

Under this act one magistrate may hear and determine offences in a summary way; the party accused to be summoned, and if he does not obey the summons, or shew reasonable excuse, then warrant may issue on proof of the offence complained of; but if he cannot be found, the justice shall proceed to examine the matter, and if the offender is convicted, and the penalty not paid in 24 hours, may levy the same by distress, or commit the offender for

one month, or until the penalty is paid, *s.* 34: witnesses summoned, and not appearing, or refusing to be examined on oath, may be committed for not exceeding fourteen days, nor less than three, *s.* 35.

By a general clause in this act, *s.* 34, all penalties shall go to the informer; but by 32 *Geo. II. c.* 18, such as are not particularly disposed of, shall go half to the informer, and the other half at the magistrate's discretion. *s.* 2.

No *certiorari* shall be granted to remove any conviction. 31 *Geo. II. c.* 29, *s.* 37.

Any person convicted may appeal to the next sessions, on entering into recognizance in double the penalty of the conviction, and judgment of the sessions to be final, *s.* 38; but if offender convicted within six days before the sessions, he shall be at liberty to appeal to the next, or next following sessions. *s.* 39.

Actions brought against any magistrate or peace officer under this act, must be commenced within six months, must be laid in the proper county, and seven days notice of such action be given in writing. The last recited acts refer to places where the assize is set.

By 3 *Geo. III. c.* 11, certain regulations are enacted in cases where no assize is set. No loaf or loaves called assize loaves, the weight of which varies according to the price of grain, shall be sold in the same place with loaves which depend on

their measure, called prized loaves, on pain of forfeiting not exceeding 40s. nor less than 10s. justices at their general, quarter or petty sessions may appoint which sort of assized or prized loaves, and what other sorts of bread, and what sorts of grain shall be made and sold within their jurisdiction; but justices not to allow the making for sale or selling any sort of assize bread made of flour of wheat, other than wheaten or household bread, and loaves of white bread of the price of 2d. or under. And every maker of bread for sale shall observe the same proportion as to weight, as where the assize is set, on pain of forfeiting not exceeding 40s. *s.* 4. and every peck, half-peck, quartern, and half-quartern loaf of wheaten bread shall be sold in proportion to each other as to price; and the like as to household, which shall be sold for one-fourth less than wheaten bread of the same denomination, under a penalty of not exceeding 40s. nor less than 10s. *s.* 5.

Every peck loaf to weigh 17lb. 6oz. half-peck 8lb. 11oz. quarter-peck 4lb. 5½oz. half-quarter peck 2lb. 2¾oz. on pain of forfeiting for every ounce wanting, not more than 5s. nor less than 1s. and for less than an ounce not exceeding 2s. 6d. nor less than 6d. so as the same in any city, &c. or within the bills of mortality, be brought before a justice and weighed before him within 24 hours after the same baked or found; or elsewhere within three days, unless such deficiency arose from acci-

dent, or by contrivance or confederacy; and any person selling or offering to sell bread of an inferior quality to wheaten, higher than household, shall forfeit not exceeding 20s. *s.* 7. and a penalty of not more than £5. nor less than 20s. is incurred for selling bread deficient in weight, or adulterated, unless it appear to have arisen from accident. *s.* 10.

Persons obstructing search, to forfeit not exceeding 40s. nor less than 20s.

No miller, &c. to act as a justice under this act, under penalty of £50.

If baker make it appear that any offence for which he had incurred a penalty, was occasioned by the negligence or fault of his servant, such servant on conviction shall recompense his master as the magistrate shall adjudge; and in default shall commit him to the house of correction for one month to hard labour, unless payment sooner made.

One justice may hear and determine offences under this act: and prosecutions must be commenced within three days after offence committed. *s.* 23.

Penalties, half to informer, and residue as justice shall direct for carrying the act into execution. *s.* 24.

By 13 *Geo. III. c.* 62, bread made of the flour of wheat, without mixture or division (bran excepted) to be called standard wheaten bread, *s.* 1. Every loaf to be marked S. W. and to weigh—

	lb.	*oz.*
Peck Loaf	17	6
Half-Peck	8	11
Quartern	4	5½

avoirdupois weight; but standard wheaten not to be made or sold as prized loaves, at the same time with assized loaves of the same standard wheaten bread. *s.* 3.

If baker, &c. prosecuted for not making bread of standard wheaten, shall prove that he bought the same as such from any miller, &c. such miller, &c. shall forfeit as in case of adulterating meal, &c. by the act 31 *Geo. II. c.* 29.

Justices in sessions may prohibit for three months the makers of bread from making or exposing to sale any other sort of bread purporting to be of a superior quality and sold at a higher price than standard wheaten bread. Baker may make and sell coarse bread, if he sells the same at a price under that of household bread; but if he sells such bread by the same weights and prices as household bread is assized, he shall be liable to the same penalties as bakers for any misdemeanor in making and selling other sort of bread. *s.* 11 and 12.

By the act 55 *Geo. III. c.* 99, (the operation of which extends only to the City of London and liberties, and within the weekly bills of mortality, and ten miles of the Royal Exchange,) the acts 31 and 32 *Geo. II.* the 3*rd.* 13*th.* 33*rd.* 34*th.* 36*th.* 37*th.* 38*th.* 39*th.* 40*th.* 41*st.* 45*th.* and 48*th.* *Geo. III.*

and every other act of parliament relating to the making and selling &c. bread, are repealed.

Bread may be made of such proper materials, and sold at such prices, as bakers may think proper. *s.* 2.

Bakers not to put alum, or any preparation in which alum shall be an ingredient, into the dough of bread, or any other unwholesome ingredient, on pain of forfeiting not exceeding £20. or in default, committed to the house of correction not exceeding six calendar months, to hard labour; and the magistrate before whom such conviction takes place may cause the offender's name, &c. to be inserted in the newspapers. *s.* 3.

And any person adulterating corn, meal, or flour, whether at the time of grinding, dressing, or bolting &c. or of selling the meal or flour of one sort of grain for another, shall on conviction forfeit not exceeding £5. as the magistrate shall think fit. *s.* 4.

Loaves made of the meal of any other grain than wheat, to be marked with a large roman M, and any person offending, to forfeit not exceeding 40*s.* for every loaf not marked. *s.* 5.

Justices of peace, and any peace officer authorized by warrant under their hands, may search baker's premises in the day time, and enter into any house, mill, &c. of any miller; and if any adulterated flour, bread, &c. be found, the same may be seized and brought before a magistrate, who shall dispose of it as he thinks fit; such baker to forfeit not

exceeding £20. on conviction, by confession or oath of one or more witnesses, or be committed to the house of correction for six calendar months, to hard labour, unless such person shall make it appear to the satisfaction of the convicting justice that such alum or other ingredient was not lodged there for the purpose of being mixed with meal; justices may, and are required to publish the offender's name, place of abode, and offence, in the newspapers. *s.* 6, 7. It appears that justices are authorized by *s.* 6, to grant a search warrant without any previous information on oath or otherwise.

Penalty for obstructing search or seizure not exceeding £10. *s.* 8.

If any baker shall make it appear that any offence for which he shall have paid any penalty, had been occasioned by the wilful act, negligence, or default of a servant, the justice may order such servant to pay for such negligence &c. such reasonable recompense as the magistrate shall adjudge, or in default, be committed to the house of correction for any time not exceeding six calendar months, unless payment sooner made. *s.* 8.

Loaves to weigh, avoirdupois weight,—

	lb.	*oz.*
Peck	17	6
Half-peck	8	11
Quarter-peck	4	5½
Half-quarter	2	2¾
1lb. loaf	0	16

baker to keep scales and weights in his shop; any purchaser may require bread to be weighed in his presence, *s.* 9. and baker not keeping such weights, &c. or whose weights are deficient, or who shall refuse, on request, to weigh his bread, shall forfeit for such offence not exceeding 40s. at the discretion of the magistrate. *s.* 10.

Any baker who shall sell or deliver bread deficient in weight, shall forfeit 10s. for every ounce deficient, and so in proportion for any quantity less than an ounce, provided such bread is weighed within 24 hours next after it is baked; the penalty not to extend to French bread or rolls. *s.* 11.

Bakers not to bake bread or rolls on Sunday, except between nine in the forenoon and two in the afternoon; nor sell or expose to sale any bread, &c. or bake or deliver any meat, &c. or exercise the trade of a baker, except setting the sponge for the next day's baking, between the hours aforesaid, under a penalty for the first offence 10s. for the second offence 20s. and for third and every subsequent offence 40s. with costs of prosecution, to be settled by the convicting justice. Such conviction to take place within six days after offence committed, on view of a justice, confession, or oath of one or more witnesses.

Penalty, not exceeding 3s. per day, to be paid to the prosecutor, and the residue within seven days to the parish officers for the use of the poor; and if penalty and costs not paid within 14 days after con-

viction, the same may be levied by distress, and in default, the offender to be committed to the house of correction, for the first offence seven days, second offence fourteen days, and for a third and every subsequent offence one month, unless penalty and costs sooner paid.

Bakers may deliver to their customers bakings until half past two o'clock, without incurring any penalty. *s.* 12.

No miller, mealman, or baker to act as a justice under this act, under a penalty of £5. *s.* 13.

Offences may be heard and determined in a summary way, and penalties levied by distress and sale by the lord mayor of London, or any alderman, or one justice of the peace, in any county, division, &c. within the weekly bills of mortality; and for want of distress, the offender may be committed to the house of correction for one calendar month, unless penalty and costs sooner paid. *s.* 14. witnesses may be compelled by warrant (if they disobey a summons) to appear and give evidence, and on refusal to be examined, may be committed to gaol for any time not exceeding 14 days. *s.* 15.

No *certiorari* allowed to remove any conviction, but persons aggrieved may appeal to the next general or quarter sessions; but if conviction happen to be within six days of the sessions, then appeal may be made to the next following sessions, *s.* 19.

Actions against magistrates or peace officers to be commenced within six calendar months after

fact committed; and the act of 24 *Geo. II.* for indemnifying justices, &c. extends to justices acting under authority of this act. *s.* 21.

Penalties to be applied (except as before directed) in the following manner, *viz.* one moiety to the informer, if convicted on confession or oath of one or more witnesses; and the other moiety, or in case of no informer then the whole, to the poor of the parish wherein offence committed or the party convicted, at the discretion of the justice. *s.* 24.

Information of an undue mixture used in making Bread, on 31 Geo. II. c. 29.

—— to wit. Be it remembered, that this —— day of ——, in the year of our Lord 1817, at —— in the said county, A. B. of ——, [*labourer*], in his proper person, exhibiteth to me S. P. *Esq.* one of His Majesty's justices of the peace for the said county, a complaint and information, and thereby informeth me, that C. D. late of —— in the said county, baker, on the —— day of —— [*here state the time of the offence, that it may appear to have happened within the three days limited by the* 42 s.], did put into, and use, in making of bread to be sold, a preparation or mixture in which alum was an ingredient, contrary to the form of the statute in such case made and provided, whereby the said C. D. hath forfeited a sum not exceeding £10. nor less than 40s. and thereupon the said A. B. prayeth judgment of me, the said justice, in that behalf, and that he may have one moiety of the said forfeiture, according to the form of the statute in such case made; and that the said C. D. may be summoned to answer the premises before me the said justice.

Summons thereon.

To the Constable of ——.

—— to wit. Whereas complaint and information hath been exhibited before me, one of His Majesty's justices of the peace

for the said county, by A. B. that C. D. late of —— in the county aforesaid, baker, on the —— day of ——, in the year of our Lord 1817, did put into, and use, in making of bread to be sold, a preparation or mixture in which alum was an ingredient, contrary to the form of the statute in such case made and provided.

These are therefore to require you forthwith to summon the said C. D. to appear before me, at ——, on the —— day of ——, at the hour of —— in the ——noon of the same day, then and there to answer to the said information; and be you then there, to certify what you shall have done in the premises. Herein fail you not.

Given under my hand and seal, the —— day of ——, in the year of our Lord 1817.

Conviction.

—— to wit. Be it remembered, That on this —— day of ——, in the 57th year of the reign of King George the Third, C. D. is convicted before me S. P. Esq. one of His Majesty's justices of the peace for the said county, for putting into, and using, in the making of bread to be sold, a preparation or mixture in which alum was an ingredient. And I do adjudge him to pay and forfeit for the same, the sum of £5.

Given under my hand and seal, the day and year aforesaid.

Warrant of Distress on non-payment of the Penalty.

To the Constable of ——.

—— to wit. Whereas C. D. of —— in the county aforesaid, baker, was, on the —— day of ——, 1817, duly convicted before me, one of His Majesty's justices of the peace for the said county, by the oath of A. B. a credible witness, for that he on the —— day of ——, in the year of our Lord 1817, did put into and use, in the making of bread to be sold, a preparation or mixture in which alum was an ingredient, contrary to the form of the statute in that case made and provided; by reason whereof I did adjudge, and have adjudged him to pay and forfeit for the said offence, the sum of £5. to be distributed as is herein after mentioned. And whereas it appears to me that the said sum, or any part thereof, is not yet paid,

I do therefore hereby authorize and require you forthwith to make distress of the goods and chattels of the said C. D. and if within the space of —— days next after such distress by you taken the said sum of £5. shall not be paid, that then you do cause the said goods so by you seized, to be appraised and sold, rendering the overplus to the said C. D. after deducting the said sum, and also the costs and charges of the prosecution for the said offence and of the said distress and sale; which costs and charges I do hereby ascertain at the sum of 20s. and out of the said sum of £5. so forfeited as aforesaid, you are to pay one moiety to A. B. who informed me of the said offence, and prosecuted to conviction the said C. D. before me for the same; and the other moiety you are to apply for the better carrying the act of parliament for the due making of bread and for the other purposes therein mentioned, into execution, according as I hereafter shall give you directions. And if sufficient distress cannot be had or found whereupon to levy the said sum of £5. as aforesaid, you are hereby required to certify the same to me, together with the return of this precept. Herein fail you not.

Given under my hand and seal, at —— in the said county, the —— day of ——, in the year of our Lord 1817.

Constable's Return [to be indorsed on the warrant] *of want of Distress.*

——, to wit. I do hereby certify to the within-named justice of the peace, that, by virtue of this warrant, I have made diligent search for the goods and chattels of the within-mentioned C. D. and that I can find no sufficient goods and chattels of his, whereon to levy the within-mentioned sum.

Witness my hand the —— day of ——, in the year of our Lord 1817.

Sworn before me the said justice, the day and year aforesaid.

Commitment for want of Distress.

To the Constable of ——, and also to the Keeper of the Common Gaol at —— in the said county.

—— to wit. Whereas C. D. of —— in the county aforesaid, baker, was on the —— day of ——, 1817, duly convicted be-

fore me, one of His Majesty's justices of the peace for the said county, by the oath of A. B. a credible witness, for that he, on the —— day of ——, in the year of our Lord 1817, did put into and use, in the making of bread to be sold, a preparation or mixture in which alum was an ingredient, contrary to the form of the statute in that case made and provided; by reason whereof I did adjudge him to pay and forfeit for the said offence, the sum of £5.

And whereas on the —— day of ——, in the year aforesaid, I did issue my warrant to the constable of ——, to levy the said sum by distress of the goods and chattels of the said C. D. And whereas it appears to me, as well upon the oath of the said constable as otherwise, that he hath used his best endeavours to levy the said sum on the goods and chattels of the said C. D. as aforesaid, but that no sufficient distress can be found whereon to levy the same.

Therefore I do hereby command you, the said constable of ——, to apprehend and safely convey the said C. D. to the said common gaol, and him to deliver to the keeper thereof as aforesaid, together with this precept. And I do hereby command you, the said keeper of the gaol aforesaid, to receive into your custody in the said gaol, the said C. D. and him there safely to keep for the space of one calendar month from the time of this commitment, unless the said sum of £5. and also the costs and charges of the prosecution, which I have ascertained at the sum of 20s. shall be sooner paid.

Given under my hand and seal, this —— day of ——, in the year of our Lord 1817.

Information for exposing to Sale Bread deficient in Weight.

—— to wit. The information of A. B. of &c. in the county of ——, ——, who, being upon oath, saith, That he hath reasonable cause to suspect, and does believe, that C. D. of —— in the parish of —— in the county of —— (beyond ten miles of the Royal Exchange), being a baker or seller of bread, doth unlawfully expose to sale, bread deficient in the due weight the same ought to be, according to the assize set for such bread to be sold at, contrary to the statutes in such case made and provided.

Taken and sworn before me, this —— day of ——, 1817.

W. S.

Another Form.

That A. B. late of —— in the county aforesaid, baker, did on the —— day of ——, in the 57th year of the reign &c. at the parish of —— in the county of ——, and within ten miles of the Royal Exchange, unlawfully expose to sale one loaf of wheaten bread, importing to be a quartern loaf, deficient in weight one ounce, according to the assize then and there set for the said bread, contrary to the form of the statute, &c.

Information for having unlawful Ingredients for the purpose of adulterating Meal.

—— to wit. Be it remembered, That this —— day of ——, in the —— year of the reign of our sovereign Lord George the Third, of the United Kingdom of Great Britain and Ireland, King, &c. A. B. of &c. yeoman, in his proper person exhibiteth to me W. S. Esq. one of His Majesty's justices of the peace for the county of ——, a complaint and information, and thereby informeth me that one C. D. late of —— in the parish of —— in the county of ——, baker, on the —— day of ——, in the year of our Lord 1817, had then and there in his possession, that is to say, in a certain bakehouse [or, *as the fact is*], belonging to him the said C. D. situate in the parish aforesaid, in the county aforesaid, and beyond ten miles of the Royal Exchange, a certain quantity of alum [or, *as the fact is*], which had been and then was deposited in the said bakehouse of the said C. D. for the purpose of being used in adulterating meal, flour, or bread, contrary to the form of the statute in such case made and provided, whereby the said C. D. hath forfeited a sum of money not exceeding £10. nor less than 40s. And thereupon the said A. B. prayeth the judgment of me the said justice in that behalf, and that he the said A. B. may have the said forfeiture according to the form of the statute in such case made; and that the said C. D. may be summoned to answer the premises before me the said justice.

Received this Information the day and year above written,
W. S.

A. B.

Conviction of a Baker, for selling Bread under the Assize.

—— to wit. Be it remembered, that on the —— day of ——, in the 57th year of the reign of our sovereign Lord George the Third, of the United Kingdom &c. and in the year of our Lord 1817, A. B. was convicted before the S. P. Esq. one of His Majesty's justices of the peace for the said county of ——, for that he the said A. B. at the time of the committing of the offence herein after mentioned, being a person making bread for sale, within the parish of —— in the said county, on the —— day of ——, unlawfully did make for sale, within the limit to which the assize herein after mentioned, at the time of the making thereof, and at the time of committing of the offence herein after mentioned, did extend —— loaves of wheaten bread as and for quartern loaves, which were all the loaves then and there found in the shop of the said A. B. which had been baked within twenty-four hours next preceding the time of weighing the same, deficient in weight according to the assize before then duly and legally set, and then in force for loaves of wheaten bread, being quartern loaves, to be sold at, in, and throughout the limits aforesaid, in pursuance of the statute in such case made and provided, by which said assize a quartern loaf of wheaten bread was to weigh four pounds, five ounces, and eight drachms avoirdupois, that is to say, the said loaves being then and there deficient in weight according to the said assize, upon the average of all the said loaves which were then and there found, and which had been baked within twenty-four hours, —— ounces avoirdupois, and every of them having been brought before me within twenty-four hours after the baking thereof, and it not appearing to my satisfaction that any of the deficiency in the weight of any of the said loaves arose from unavoidable accident, or was occasioned by or through any contrivance or confederacy: And I do adjudge him the said A. B. to forfeit and pay for the said offence the sum of £—. being the sum of 5s. for every ounce of bread which was wanting and deficient in the weight each and every of the said loaves ought to have been of, according to the said assize.

Given under my hand and seal at —— in the said county of ——, this —— day of —— 1817.

S. P.

BRICKS AND TILES.

By Stat. 17 *Ed. IV.* c. 4, plain, roof, corner, and gutter tiles to be made good, and the earth of which they are made to be dug before 1st of November next before making, and turned before 1st of February, and not to be wrought till the 1st of March following.—The earth not to be mixed with marl or chalk. Selling tiles contrary to this act, to forfeit to the buyer double value; justices may determine offences and assess on the offender for every 1000 plain tiles 5s. every 100 roof tiles 6s. 8d. and for every 100 corner or gutter tiles 2s.—*Ibid.* Every plain tile must be ten inches and a half long, six inches and a quarter broad, and five half quarters of an inch thick, and every gutter tile to be ten inches and a half long.

Justices may appoint searchers, to be paid by tile makers 1d. for every 1000 plain tiles, a halfpenny for every 100 roof tiles, and a farthing for every 100 corner and gutter tiles.—Searchers are to present defaults on penalty of 10s.

By 17 *Geo. III.* c. 42, bricks made in England for sale, shall be eight inches and a half long, two inches and a half thick, and four inches wide; and all pantiles thirteen inches and a half long, nine inches and a half wide, and half an inch thick, on pain of forfeiting for bricks and tiles of less dimensions when burnt, 20s. for every 1000 bricks, and 10s

for every 1000 pantiles. All contracts for engrossing bricks and tiles, or for hindering a free sale, to be void, and the maker shall forfeit £20. and his clerk or agent £10.

Penalties under this act to be recovered before one justice, on proof by confession, or oath of one witness, to be levied by distress, half to the informer and half to the poor, and if no distress, commitment for any time not exceeding two calendar months, or till penalty and costs are paid. Information to be laid within one calendar month after sale and delivery of bricks or tiles, *s.* 7; appeal allowed to session within four calendar months, on giving twenty-one days notice in writing to the party complained of, and within eight days after such notice entering into recognizance before a justice, to try the appeal. The decision of the session is conclusive, and not removable by *certiorari* or otherwise. *s.* 8.

A person selling bricks less than the statutable dimensions, cannot recover their value. 11 *E. Rep.* 300.

Form of Conviction.

Be it remembered, that on the —— day of ——, in the year of our Lord 1817, A. B. of —— is convicted before me S. P. Esq. one of His Majesty's justices of the peace for the county of ——, for that [*state the particulars of the offence, the time and place when and where committed, and the penalty incurred*].

Given under my hand and seal, the day and year aforesaid.

BRIDGES.

Householders dwelling in any county or town, whether occupiers of lands or not, and all persons having lands in their possession, whether they dwell in the same county or not, are liable to be rated as inhabitants towards the repairs of a public bridge.—22 *H. VIII. c.* 5.

By 1 *Anne, c.* 18, the justices at their quarter sessions, on presentment made of want of repairs, are to assess every town, parish, &c. in proportion, towards the repairs of a bridge; the money to be levied by the constables, and paid by the high constables, who are to remit it to the treasurer appointed by the justices, to be expended, according to their order, in the repairs.

All matters relating to repairing bridges to be determined in the county where they lie, and no indictment or presentment to be removed by *certiorari*,—but in the case of the King *v.* the Inhabitants of Cumberland, 6 *T. R.* 194, it was determined that the *prosecutor* might remove by *certiorari*, upon the principle that if not allowed the defendants would try their own cause. See the judgment of the House of Lords, *Bos.* and *Pull.* 354.—The evidence of inhabitants of places where bridges are in decay is admitted.

Justices at quarter sessions, may purchase an acre of land for building or enlarging county bridges, 14 *Geo. II. c.* 33, and ground to be paid

for out of the money to be raised by stat. 12 *Geo. II. c.* 29, *s.* 14, for better levying county rates; and, by this statute, justices at their quarter sessions, may, on presentment by grand jury (but not without) contract for re-building and repairing public bridges.

Surveyors of county bridges are empowered to get materials for repair of bridges in like manner as surveyors of highways, under 13 *Geo. III. c.* 78, and the quarter sessions may improve, widen, or alter the situation of county bridges, 43 *Geo. III. c.* 59.—Inhabitants of counties may sue for damage done to bridges in the name of the surveyor. *s.* 3.

No bridge erected by private persons, after passing this act, to be deemed a county bridge, unless built in a substantial manner, under the direction of the county surveyor and the quarter sessions. *s.* 5. Act not to extend to bridges repaired by tenure.

By 52 *Geo. III. c.* 110, no part of the money to be raised and collected in pursuance of the act 12 *Geo. II. c.* 29, shall be applied to the repair of bridges, &c. until presentment made by the grand jury's great sessions, general gaol delivery, or general or quarter sessions of the peace, of their insufficiency or want of repair; and when any bridges are to be repaired at the expense of the county, the justices at their general or quarter sessions, after presentment may contract with any person for re-building or repairing, or amending the same; and any sudden injury or defect may be repaired by order of the justices, at their general or quarter sessions aforesaid, without such presentment: the justices may appoint

annually two or more [redacted] order any [redacted] they do not expend [redacted]

Justices at their [redacted] contract and agree with [redacted] of the turnpike-road, [redacted] with surveyor of the [redacted] within the county, for [redacted] bridges, or so much thereof as [redacted] paired at the expense of the county, [redacted] not exceeding seven years, [redacted] out any presentment as [redacted] aforesaid.

The act 54 *Geo.* [redacted] of the act 43 *Geo.* [redacted] the inhabitants of [redacted] counties.

By 55 *Geo. III.* c. 143. [redacted] employed under contract [redacted] of two justices of the peace for the county [redacted] such bridge is intended to be built, to [redacted] dig, get, and carry away stone from any quarry from any county to which bridge may belong (except quarries situate in gardens and [redacted] grounds) without consent of the owner [redacted] being made to such owner; and in case of a refusal to treat, the justices at general or quarter sessions to cause the value of the stones, and amount of damage done by the getting and taking away the same, to be ascertained by a jury: justices may issue their warrants to the sheriff to [redacted] such

jury, to consist of twelve men chosen by ballot out of twenty-four men required to be summoned; and they have power to fine such sheriff for making default; any juryman not attending, or refusing to be sworn, or being sworn, shall refuse to give, or shall not give a verdict; and also on any person who being summoned and required to give evidence before the said jury, shall refuse or neglect to appear, or appearing shall refuse to be sworn or give evidence, shall forfeit not more than £10. nor less than 20s. on any one person for one offence. If jury shall deliver a verdict for more money than hath been offered for the purchase by such surveyor, the costs and expenses of witnesses and jury to be paid out of the county rate; but if the jury deliver a verdict for no more or less money than the costs and expenses to be paid by the person with whom such controversy shall arise, to be levied by warrant of one of the said justices, by distress and sale of the goods of the person made liable to the payment thereof. *s.* 3.

Persons aggrieved may appeal to the quarter sessions within three weeks after the complaint shall arise, appellant giving 14 days notice of his intention, and within three days after such notice, entering into recognizance with two sureties, to try such appeal, and abide the order of the sessions; the determination of such justices to be final.

Justices at their general quarter sessions may contract and agree for the keeping in repair any county or hundred bridge, and the road over the

[redacted]

12 *Ann.* stat. 1, *c.* 7, persons entering a house by day or night, *without breaking*, with intent to commit felony, and in the night breaking the house to get out, are guilty of burglary.

If one break into the house, and others watch outside, it is burglary in all, and a servant confederating with a rogue and letting him in, is burglary in both. *Leach's Hawk. P. C.* 1. *c.* 38, *s.* 9. All out-buildings, as barns, stables, warehouses, &c. are part of a house, consequently may be burglariously entered, but not a booth, tent, or enclosed ground. *Ibid.*—And burglary may be committed in a lodging room; and in an indictment it may be laid as the dwelling house of the lodger, if the owner of the premises do not inhabit any part of the house. *East. P. C.* 506.

A felonious intention must be manifest to constitute burglary, otherwise it is only trespass; but it is immaterial whether the felony is so by the common law, or by statute 1. *Comm.* 227.

By 18 *Eliz. c.* 7, benefit of clergy is taken away both from principal and accessary before the fact; but accessaries after the fact are entitled to their clergy. 3 *W. c* 9. 2 *H. H.* 364.

Persons prosecuting a burglar to conviction are exempt from parish offices, 10 *and* 11 *Wm. III. c.* 23, and are entitled to £40. reward. 6 *Geo. I. c.* 23, and an accomplice, being out of prison, convicting two or more offenders, is entitled to a pardon of the felonies enumerated in the act.

The charges of prosecuting and convicting a bur-

glar shall be paid by the treasurer of the county wherein the offence was committed, 25 *Geo. II. c.* 36, 27 *Geo. II. c.* 3, and 18 *Geo. III. c.* 19.

Buyers or receivers of (burglariously) stolen jewels, gold or silver plate, may be tried and transported for fourteen years, before the conviction of the principal, 10 *Geo. III. c.* 18; and any person apprehended having about him a picklock key, or implement to commit burglary, shall be deemed a rogue and vagabond, 23 *Geo. III. c.* 88.—It is settled that what is meant by *night*, as applicable to burglary, is when it is so dark as not to admit of a man's face being distinguishable, 3 *Inst.* 63. but this does not extend to moonlight; the greatness of this offence not arising from its being done in the dark, but at a time when sleep has rendered the owner defenceless. 4 *Comm.* 224.

Warrant to apprehend a Burglar.

To the Constable of ——.

—— to wit. Whereas A. B. of —— in the county of ——, yeoman, hath this day made information and complaint on oath, before me J. C. Esq. one of His Majesty's justices of the peace in and for the said county, that yesterday in the night, the dwelling house of him the said A. B. situate at —— in the county aforesaid, was feloniously and burglariously broken open, and six silver spoons, of the value of £5. of the goods and chattels of him the said A. B. were feloniously and burglariously stolen, taken, and carried away, and that he hath just cause to suspect, and doth suspect that C. D. late of —— in the said county, labourer, did commit the said felony and burglary, These are therefore, in His Majesty's name, to command you forthwith to apprehend the said C. D. and bring him before me, to answer the premises and to be further dealt with according to law.

Given under my hand and seal the —— day of ——, in the year of our Lord 1817.

BURNING.

Maliciously and voluntarily burning the house of another, by day or night, is felony, 3 *Inst.* 67. The bare attempt to burn is not so; but if any part burnt, though afterwards extinguished, the crime is complete. 1 *Haw. c.* 39, *s.* 5.—By 23 *Hen. I. c.* 1, persons wilfully burning any dwelling-house, or barn wherein grain is deposited, shall not have clergy.—By 4 and 5 *P. and M. c.* 4, accessary before the fact is debarred of clergy. 2 *East. P. C. c.* 21, *s.* 2; but accessary after the fact is entitled to his clergy. 1 *H. H.* 573.—And by 43 *Eliz. c.* 13, burning barns or stacks of corn in the four northern counties, is felony without clergy. By 22 and 23 *Car. II. c.* 7, to burn any ricks of corn, hay, or barns in the night, is felony, but convict may elect to be transported. By 1 *Geo. I.* stat. 2, *c.* 48, the malicious burning of wood, underwood, or coppice is felony, and any two justices may hear and determine the offence. *c.* 16.

House burning is not a bailable offence by justices. *Just.* 189.

By 43 *Geo. III. c.* 58, Persons maliciously setting fire to any house, barn, granary, hop-oast, malt-house, stable, coach-house, out-house, mill, warehouse, or shop, with intent to defraud or injure His Majesty, his subjects, or any body corporate, shall be guilty of felony without clergy.

Servant carelessly setting house or out-house on fire, and convicted on the oath of one witness, be-

fore two justices, shall forfeit £100. or committed for eighteen months to hard labour. 6 *Ann*, *c.* 31. 14 *Geo. III. c.* 78, *s.* 84. The penalty to be paid to the churchwardens for the use of the sufferer.

Any person threatening to burn houses, &c. may be brought before a justice, and committed in default of finding security for the peace; and by 9 *Geo. c.* 22, persons sending a letter, whether anonymous or with a fictitious name, threatening to burn any house, &c. shall be guilty of felony, without clergy.—By 28 *Geo. II. c.* 19, *s.* 3. burning furze or fern, on forests or chases, without consent of the owner or keeper, incurs a penalty of from 40s. to £5. or in default, commitment from one to three months—half the penalty to informer, and the remainder to the poor, on conviction on oath of one witness, before one justice, or on view.

Information against a Person for burning a Dwelling-house.

——— to wit. Be it remembered, That on the ——— day of ———, in the 57th year of the reign &c. at ——— in the said county, A. B. of ———, yeoman, cometh before us W. S. and S. P. Esqrs. two of His Majesty's justices of the peace in and for the said county, and giveth us to understand and be informed, that one C. D. on the ——— day of ———, in the year of our Lord 1817, unlawfully, maliciously, voluntarily, and feloniously, against the statute in that case made and provided, set fire to and burnt the dwelling-house of E. F. situate at ——— in the county aforesaid, and thereupon the said A. B. prayeth the judgment of us in the premises, and that our warrant may issue against the said C. D. to answer the premises.

Exhibited before us,
W. S.
S. P.

Warrant thereon.

To the Constable of ——.

—— to wit. Whereas A. B. of ——, hath this day made complaint on oath, before us W. S. and S. P. Esquires, two of His Majesty's justices of the peace in and for the said county, that [*state the offence as in the information*]. These are therefore to command you forthwith to apprehend and bring before us at ——, at the hour of —— in the ——noon, the body of the said C. D. to answer the said complaint and to be further dealt with according to law.

Given under our hands and seals, &c.

Commitment.

To the Keeper of the Common Gaol at ——.

—— to wit. Receive into your custody the body of C. D. herewith sent you, and charged this day before us the undersigned, two of His Majesty's justices of the peace in and for the said county, on the oath of A. B. with having [*state the offence as before*], and him there safely keep until he shall be discharged in due course of law.

Given under our hands and seals, &c.

Commitment of a Servant for negligently setting Fire to a Dwelling-House, under 6 Ann, and 14 Geo. III.

To the Constable of ——, and to the Keeper of the House of Correction at —— in the county of ——.

—— to wit. Whereas A. B. servant of C. D. of &c. was on the day of the date hereof lawfully convicted before us W. S. and S. P. Esquires, two of His Majesty's justices of the peace for the said county, upon the oath of E. F. of &c. That he the said A. B. did on the —— day of —— last, through negli-

gence, set fire to, or cause to be fired, the dwelling-house of the said C. D. situate at ——, by reason whereof, and by force of the statutes in that case made and provided, he the said A. B. hath forfeited the sum of £100. And whereas the church-wardens of the parish of —— where the said fire did happen, have made appear to us on oath, that immediately upon the said conviction they duly demanded of the said A. B. the said sum of £100. to be distributed by them as the law directs, but the said A. B. did refuse and neglect to pay the same; These are therefore to command you, in His Majesty's name, to apprehend [*if not in custody*] and convey the said A. B. to the house of correction at —— aforesaid, and deliver him to the keeper thereof, together with this precept; and you the said keeper are hereby commanded to receive the said A. B. into your custody, and him detain and keep in the said house of correction, to hard labour for the space of eighteen months next ensuing.

Given under our hands and seals, &c.

The Information, &c. may be in the same form as those immediately preceding.

BUTCHER.

Butchers conspiring to sell their victuals at certain prices, shall forfeit £10. to the King, for the first offence; and if not paid in six days, they may be imprisoned twenty days, and be fed on bread and water; for the second offence, shall forfeit £20. or be pilloried; and for the third offence, £40. or pillory and loss of an ear. 2 and 3 *Edw. VI. c.* 15.

If any butcher kill or sell victuals on a Sunday, he shall forfeit 6s. 8d. one third to the informer, and the remainder to the poor, on conviction be-

fore one justice on his own view, or confession, or oath of two witnesses; to be levied by constable or churchwardens. 3 *C. c.* 1.

BUTTER

To be packed in vessels of good and well seasoned timber, not leaky; such vessel to be a tub, firkin, or half firkin, and no other, and shall be of the weight, proportion, and capable of containing the several quantities following, *viz.* the tub to weigh, including the top and bottom, not less than 11 lb. nor more than 15 lb. avoirdupois; top or bottom not to be more than five-eighths of an inch thick, and capable of containing not less than 84 lb. —The firkin to weigh from 7 to 11 lb. the top and bottom not more than four-eighths of an inch thick, and to contain 56 lb.—The half firkin from 4 to 6 lb. top and bottom three-eighths of an inch thick, to contain 28 lb. on pain of forfeiting 10s. for every vessel, 36 *Geo. III. c.* 86, *s.* 1.—Maker to brand his name legibly, with the exact weight or tare thereon, under like penalty. *s.* 2.—And by 3 *Geo. III. c.* 73, maker, in addition to his name, to mark his place of abode, *viz.* if he dwell in a city or market town, then the name thereof; if in a village, township, liberty, hamlet, or other division of a parish, then the name of the parish in which same is situate; and if an extra-parochial place, then the name of the adjoining parish, on pain of forfeiting 10s. for every default.

Dairymen to pack butter in no other vessels, and to brand on the inside at the bottom, on the outside at the top, and on the bouge of the staves, their christian and surnames, on pain of £5. *s.* 3.

The quantity packed shall be good, and in weight 84 lb. exclusive of tare of the cask in each tub,—56 lb. in a firkin,—and 28 lb. in a half firkin. Butter not to be mixed with great salt, on pain of £5. for each offence, *s.* 4.

Any farmer, dairyman, factor, or other person guilty of fraud in respect of the said matters, forfeits £30. *s.* 5. and if not the full quantity delivered, satisfaction to be recovered by action. *s.* 6. Persons re-packing butter (except foreign butter) for sale again, to forfeit £3. *s.* 8. Counterfeiting the names or marks of farmers, penalty £40. *s.* 9.

The penalties under this act not exceeding £5. are recoverable before one justice by distress, and in default, commitment from twenty-eight days to three calendar months; if exceeding £5. by action, the whole to the informer, *s.* 10, 14.

By 38 *Geo. III. c.* 73, factors or dealers buying butter not legally marked, to forfeit 20*s.* and having it in their possession in vessels not legally marked, 10*s.*

Appeal allowed to session on magistrate's conviction.—Prosecution to be commenced within four months after offence.—Conviction to be on parchment and filed at the session.—See 4 *William s.* 7, respecting shipping butter for London, and

8 *Geo. II. c.* 27, and 17 *Geo. II. c.* 8, local acts concerning the city of York and New Malton.

Information for selling Butter in a tub not marked according to the directions of the Act, 36 Geo. III.

—— to wit. Be it remembered, That on the —— day of ——, in the year of our Lord 1817, at the town of —— in the said county, A. B. of —— in the said county, yeoman, in his own proper person, cometh before me S. P. Esq. one of His Majesty's justices of the peace in and for the said county, and giveth me to understand and be informed, that C. D. of —— in the said county, farmer, within four months now last past, that is to say, on the —— day of ——, in the year 1817, at the said town of —— in the said county, did pack for sale and sell to the said A. B. a quantity of butter, of the weight of —— lb. in a tub [or *vessel*] whereon the christian and surname of the said C. D. was no where branded with iron, or otherwise marked on the outside, against the form of the statute in that case made and provided, whereby the said C. D. hath forfeited for the said offence the sum of £5. wherefore the said A. B. prayeth judgment of me the said justice in the premises, and that the said C. D. may be summoned to appear before me to answer the same.

Exhibited before me,

S. P.

Form of Conviction.

—— to wit. Be it remembered, That on this —— day of ——, 1817, A. B. is convicted before me S. P. Esq. one of His Majesty's justices of the peace in and for the county of ——, for that the said A. B on the —— day of —— last, at —— in the said county, did [*state the offence*], contrary to the form of the statute in that case made and provided; and I the said S. P. do adjudge him to forfeit and pay for the said offence the sum of £——.

Given under my hand and seal, the day and year first above mentioned.

S. P.

BUTTONS.

Foreign buttons are not to be imported, on penalty of £100. on importer, and £50. on seller; and a justice may issue his warrant to search for and seize them, 13 and 14 *Car. II. c.* 13, and 4 *William and Mary. c.* 12.—No person to make, sell, or set on, buttons made of wood only (the shank of wire makes no difference), under penalty of 40s. a dozen. 10 *William III. c.* 2, nor buttons made of cloth or stuff of which clothes are usually made.—By stat. 8 *Ann, c.* 6, no taylor or other person shall make, sell, set on, *use,* or bind on any clothes, buttons or button holes of cloth, on pain of £5. a dozen.

By 7 *Geo. I.* stat. 1, *c.* 12, no person shall *use* or *wear* on any clothes, (velvet excepted), any such buttons or button holes, on pain of 40s. a dozen, half to the informer; for the other moiety no direction is given.—This act is, in other particulars, very incorrect, and it is observable, that though none of these acts are repealed, they are daily violated with impunity; the restrictive clauses are generally considered as injudicious and impolitic.

By 36 *Geo. III. c.* 60, Persons ordering a manufacturer to put marks on buttons not indicating their true quality, to forfeit the buttons and £5. for any quantity not exceeding five dozen, *s.* 1. and no marks to be used but such as express the

real and *bona fide* quality of such buttons; nor shall any person pack for sale buttons, which paper or pack shall be falsely marked and not indicate the true quality, on pain of forfeiting the same, and also £5. for any quantity exceeding one dozen, and not exceeding twelve dozen; and if above twelve dozen, after the rate of £1. for every twelve dozen. *s.* 2.—And no other words than the words *gilt* or *plated* shall be marked on such buttons or cards, on pain of forfeiting the same, and £5. for any quantity exceeding one dozen and not more than twelve dozen; and if exceeding twelve dozen, then at the rate of £1. for every twelve dozen. *s.* 3.—Provided that no penalty be inflicted for printing &c. the words *double gilt* or *treble gilt*, if the same are gilt conformable to the directions of this act. *s.* 4.

Persons sending bills of parcels not expressing the real quality of the buttons, knowing the fact, to forfeit £20. *s* 5. and mixing buttons of different qualities to forfeit the same, and £5. for any quantity not exceeding one dozen, nor more than twelve dozen; and if exceeding twelve dozen, then £1. for every twelve dozen. *s.* 6.

One justice, in the place where offence committed, may by warrant cause buttons liable to forfeiture to be seized, and may detain them for the purpose of being produced as evidence; and when no further necessary, shall order them to be destroyed; and two justices, where offender resides

or where offence committed, may hear and determine the same within three calendar months; and on proof on oath of one witness, or by confession, may levy by distress and sale the pecuniary penalty (and costs, in his discretion,) unless goods redeemed in five days, inclusive of the day of seizure; half the penalty to the informer and half to the poor: if no distress, offender to be committed to the gaol where information laid, for any time not exceeding three calendar months, unless penalty and costs sooner paid. *s.* 8, 14, 15, and 16.

Appeal allowed to the next sessions, whose decision is final. *s.* 9.

Justices may mitigate penalties not less than half, but where the same shall be less than £40. then not below £20. *s.* 10.

No conviction to be set aside for want of form, or through mistake of facts alleged, if proved. *s.* 11, 12.

Penalty for witnesses not appearing or refusing to be sworn, £5. *s.* 13.

Offenders discovering their employers to two justices, before information, not to be liable to penalties. *s.* 18.

Manufacturer proving that he ordered buttons to be gilt, as required by the act, and gave sufficient gold for that purpose, not to be liable to penalties. *s.* 19.

This act not to extend to buttons made of gold, silver, tin, pewter, lead, or mixtures of lead or iron

tinned, or of Bath or white metal, or any metals inlaid with steel, or buttons plated upon shells. *s.* 20.—Information or action to be brought within three calendar months.

Information for exposing to Sale Metal Buttons marked "Gilt" which were not so, under Stat. 36 Geo. III c. 60.

—— to wit. Be it remembered, That on the —— day of ——, in the year of our Lord 1817, at the parish of —— in the said county, A. B. of the parish of —— in the said county, cometh before us W. S. and S. P. Esquires, two of His Majesty's justices of the peace for the said county, and as well for himself as the poor of the parish of —— aforesaid in the county aforesaid, exhibiteth unto us an information and complaint, and thereby giveth us the said justices to understand and be informed, that after the 1st day of August, 1796, and within the space of three calendar months last past, to wit, on the —— day of —— 1817, at the parish of —— in the county aforesaid, C. D. of the parish of —— aforesaid, a manufacturer and maker of metal buttons, did unlawfully and fraudulently put and place, and cause to be put and placed for sale, in and upon certain cards other than pattern cards, divers metal buttons, to wit, —— dozen, each and every of the said buttons having then and there marked on the under side thereof a certain word indicating the quality thereof, to wit, the word "GILT," the said metal buttons not then being, nor any or either of them being gilt with gold, he the said C D. then and there well knowing the same metal buttons and each and every of them not to be gilt with gold, contrary to the form of the statute in that case made and provided; by reason whereof, and by force of the statute in that case made and provided, the said C. D. hath for the said offence forfeited the said metal buttons, together with the sum of £—— of lawful money of Great Britain; wherefore the said A. B. prays the judgment of us the said justices in the premises, and that the said C. D. may be convicted of the said offence, according to the form of the statute in that case made and provided; and that the said C. D. may be summoned to appear before us the said justices, to answer to the said information and complaint, and make his defence thereto before us.

Conviction thereon.

—— to wit. Be it remembered, That on the —— day of ——, in the year of our Lord 1817, at —— in the county of ——, A.B. came before us W.S. and S.P. Esquires, two of His Majesty's justices of the peace for the said county, and informed us that C.D. of —— in the county of ——, on the —— day of —— now last past, did [*state the facts as in the Information*] whereupon the said C.D. being duly summoned to answer the said charge, appeared before us on the —— day of ——, at —— in the said county, and having heard the charge contained in the said information, declared he was not guilty of the said offence [or *did not appear before us in pursuance of the said Summons*], [or *did neglect and refuse to make any defence against the said charge*], but the same being fully proved before us, on the oath of E.F. a credible witness [or *acknowledged and voluntarily confessed the same to be true*]; and it manifestly appeared to us that the said C.D. is guilty of the offence charged to him in the said information, we do therefore hereby convict him of the offence aforesaid, and do declare and adjudge that the said C.D. hath forfeited the said buttons, together with the sum of £——. of lawful money of Great Britain, for the offence aforesaid, to be distributed as the law directs, according to the statute in that case made and provided.

Given under our hands and seals, &c.

CABBAGES *Stealing.*—*See* TURNIPS.

CARDS AND DICE.

No playing cards or dice shall be imported, 10 *Ann, c.* 19. Selling second-hand cards incurs £20. penalty, by 29 *Geo. II. c.* 13, *s.* 10, and £5. per pack, by 16 *Geo. III. c.* 34.

Cards or dice unstamped, used in any gaming-house, a penalty of £5. attaches to the seller.

The penalties are not recoverable before a justice, but by action; though a justice, on information on oath, may issue a warrant to seize the tools, &c. for making cards and dice, in any place not legally authorized; and if not replevied in five days, may be sold. 6 *Geo. I. c.* 21.

CARRIERS.

Justices at the next quarter sessions after Easter-day, are to settle the rates of land-carriage of goods, by any common carrier, who is to forfeit £5. for taking more. 3 and 4 *William and Mary, c.* 12.—Waggoners or carriers demanding more than allowed by justices, for carriage to London, or to any place within the bills of mortality, to forfeit £5. to the party grieved. 21 *Geo. II. c.* 28. to be recovered as by said act 3 *William* or by distress and sale of his goods by warrant of two justices of Middlesex, Surry, London, or Westminster. *s.* 3. And waggoner or carrier's name to be written on the carriage, on pain of 20s. *Ibid.* but by 13 *Geo. III. c.* 78, the penalty is extended to not more than £5. nor less than 20s.

Carriers travelling with a waggon, horse, &c. on Sunday, to forfeit 20s. on conviction, (within six months), by one justice on view, confession, or oath of two witnesses, to be levied by distress to the use of the poor; but a justice may award any sum, not exceeding one third of the penalty to informer, 3 *Car. c.* 1.

Information against a common Carrier, for travelling on the Lord's Day.

—— to wit. Be it remembered, That on the —— day of ——, in the year of our Lord 1817, at —— in the said county, A. B. of the parish of —— in the said county [*labourer*], came personally before me S. P. Esq. one of His Majesty's justices of the peace in and for the said county, and giveth me the said justice to understand and be informed, that on the —— day of —— last, the same being the Lord's Day, commonly called Sunday, and within six months last past, one C. D. late of —— in the said county, common carrier, did travel with his common stage waggon and —— horses on the King's highway, in the parish of —— aforesaid in the county aforesaid, against the form of the statute in such case made and provided, whereby the said C. D. hath, for his offence aforesaid, forfeited the sum of 20*s*.

A. B.

Exhibited before me,

S. P.

Summons thereon.

To C. D. of ——.

—— to wit. Whereas complaint and information hath been made before me S. P. Esq. one of His Majesty's justices of the peace for the said county, by A. B. of ——, That you the said C. D. on the —— day of ——, 1817, being the Lord's Day, commonly called Sunday, with your horses into and through the parish of —— in the county aforesaid, did travel, contrary to the statute in that case made and provided. These are therefore to require you personally to appear before me, at —— in the said county, on the —— day of ——, at the hour of —— in the ——noon, to answer to the said complaint and information made by the said A. B. who is likewise ordered to be then and there present to make good the same.—Herein fail not.

Given under my hand and seal &c.

Distress. Warrant for the Penalty.

To the Constable of ——.

—— to wit. Whereas C. D. of —— in the county of ——, is duly convicted before me, one of His Majesty's justices of the peace for the said county, for that he the said C. D. on the —— day of —— 1817, being the Lord's day, commonly called Sunday, with his horses, into and through your said parish of —— did travel, contrary to the statutes in that case made and provided, whereby he hath forfeited the sum of 20s. of lawful money of England.

These are therefore to command you forthwith to levy the said sum of 20s. by distraining the goods and chattels of him the said C. D. and if within the space of —— days next after such distress by you taken, the said sum shall not be paid, together with the reasonable charges of taking and keeping the same, that then you do sell the said goods and chattels so by you distrained, and out of the money arising by such sale that you do pay the sum of 6s. 8d. part of the said sum of 20s. to A. B. who informed me of the said offence, and that you see the remaining sum of 13s. 4d. employed to the use of the poor of your said parish of ——, returning to him the said C. D. the overplus, upon demand, the reasonable charges of taking, keeping, and selling the said distress being first deducted.

And you are to certify to me, with the return of this precept, what you shall have done in the execution thereof.

Given under my hand and seal, at ——, this —— day of ——, in the year of our Lord 1817.

CARROTS. *See* TURNIPS.

CATTLE.

By 22 and 23 *Car. II. c.* 7, Killing (maliciously) horses, sheep, or other cattle, is felony, but offender may elect to be transported seven years; and if any horses, &c. shall, in the night, be maimed or

wounded, though not killed, the offender to forfeit treble damages, or three justices (1 Q.) may inquire by jury and witnesses, which they are empowered to summon, and may apprehend offenders. But by the Black Act, 9 *Geo. I. c.* 22, maliciously killing, maiming or wounding cattle, is made felony; but the malice must be against the owner. 2 *East, P. C. c.* 22, *s.* 16.

Driving away or killing cattle, with intent to steal either the whole or part of the carcase, is felony, without clergy, by 14 *Geo. II. c.* 6, and 15 *Geo. II. c.* 34, and £10. reward to prosecutor, if the offender is convicted.

Commitment for maiming Cattle, under 9 Geo. I. c. 22.

To the Keeper of ——.

—— to wit. Receive into your custody in the said gaol, the body of A. B. charged this day on oath, before me J. C. Esq. one of His Majesty's justices of the peace in and for the said county, with having maliciously, unlawfully, and feloniously maimed two cows, the property of C. D. of —— in the said county, farmer, by cutting off their tails, and otherwise wounding them; and him in the said gaol safely keep, until he shall be delivered therefrom in due course of law.

Given under my hand and seal, &c.

CERTIORARI.

A certiorari is a writ issuing out of the Crown Office in the King's name, and its object is to remove the proceedings of courts of inferior jurisdiction into the Court of King's Bench for revision.

Justices may certify to the King's Bench indictments or recognizances taken before them without a certiorari. *Dalt. c.* 195.

It does not lie to remove any other than judicial acts. *Sayer* 6, *Cald. Ca.* 309. It lies in such cases where writ of error will not lie. 1 *Salk.* 149, except where a statute directs otherwise. 1 *Lord Ray.* 469, 580.—And it lies to justices in such cases where they are by statute empowered finally to hear and determine, unless taken away by express words in the statute. 2 *Hawk. c.* 27, *s.* 23.—And a statute authorizing a summary conviction by a justice, with an appeal to the sessions, whose decision is declared to be final, does not take away the certiorari, though appeal made and determined. 8 *T. R.* 542. therefore, all summary proceedings, orders, and convictions before magistrates may be removed by certiorari after judgment; but if judgment given on an indictment, the record can only be removed by writ of error. 7 *T. R.* 373. and an indictment cannot be removed by certiorari after conviction, and before judgment awarded, unless for special cause shewn. 2 *Haw. c.* 27, *s.* 31.

No certiorari lies to remove orders of justices where an appeal is given to the sessions, until the appeal is determined, unless the time for appealing is expired, 1 *Salk.* 147.—But it was held that an appointment of overseers might be removed before an appeal to the sessions; for the case in *Salkeld* extends only to cases where a limited time for ap-

pealing is given: but the statute 43 *Eliz. c.* 2, not being so restrained, if appeal lodged, no certiorari shall issue until the sessions have determined the appeal. *Str.* 991.—It will not lie to remove an indictment for the purpose of moving for a new trial. 13 *E. R.* 411.

The prosecutor may have this writ as a matter of right; but it is in the discretion of the court to grant or refuse it to the defendant. 4 *Bac.* 2456. and if indictment removed at the instance of the defendant, on conviction he shall pay costs to the prosecutor, but only such as have been incurred subsequent to the certiorari. 5 *W. c.* 11, and 8 and 9 *W. c.* 56.

Certiorari to remove convictions, orders, or other proceedings of justices, to be applied for within six calendar months from the date of conviction, &c. and six days notice to be given to justices; 13 *Geo. II. c.* 18. *Str.* 991. 4 *T. R.* 281. the six days notice must be given previous to the application for the rule to shew cause. 3 *T. R.* 279; but such notice is unnecessary on removing indictment from the sessions. 1 *East. Rep.* 298.

It removes all proceedings between the teste and return, and supersedes the further proceedings of the justices, except it is delivered after the jury sworn; and justices may impose a fine to complete their judgment after certiorari delivered. 2 *Lord Ray.* 1515.

It seems to be settled that a certiorari does not

supersede the obligation of a recognizance. 2 *Haw. c.* 27, *s.* 65. And a prisoner in custody, by virtue of a warrant of a justice, for want of sureties, cannot be discharged (after certiorari lodged) without entering into recognizances to answer the complaint for which he is detained.

Persons suing out a certiorari, removing any conviction, &c. to enter into recognizance with sureties, before a justice of the county, or judge of the King's Bench, in £50. with condition to prosecute the same with effect. 5 *Geo. II. c.* 19. and the two sureties must be in addition to the party issuing the writ. 4 *T. R.* 281.

Recognizance on Certiorari.

—— to wit. Be it remembered, That on the —— day of ——, in the 57th year &c. A. B. of —— in the county of ——, C. D. of ——, and E. F. of ——, came before me S. P. Esq. one of the keepers of the peace and justices of our Lord the King, in and for the county of ——, and acknowledged to owe to our sovereign Lord the King the sum of £50. of lawful money of Great Britain, to be levied upon their goods and chattels, lands and tenements, to His Majesty's use, upon condition, that if —— shall prosecute with effect, without any wilful or affected delay, at his own proper costs and charges, a writ of certiorari issued out of the court of our said Lord the King, before the King himself, at Westminster, to remove into the said court all and singular the records of conviction, of whatever trespasses and contempts, against the form of the statute made and passed in the —— year of His present Majesty's reign, intituled "An Act &c." whereof the said —— is convicted before me S. P. Esq. one of the keepers of the peace and justices of our said Lord the King in and for the county of ——, and shall pay to the prosecutor, within one month next after the said records of conviction shall be confirmed in the

said court, all his said full costs and charges, to be taxed according to the course of the said court, then this recognizance to be void or else to remain in full force.

Taken and acknowledged the day and year first above said.

S. P.

Return to a Writ of Certiorari by a Justice of the Peace,

[on the back of the Certiorari.]

"The Execution of this Writ appears in the Schedule hereto annexed.

S. P."

[*The name of the convicting justice.*]

—— to wit. I S. P. one of the keepers of the peace and justices of our Lord the King, assigned to keep the peace within the said county, and to hear and determine divers felonies, trespasses, and other misdemeanors committed in the said county, by virtue of this writ to me delivered do under my seal certify unto His Majesty, in his court of King's Bench, the record of conviction of which mention is made in the same writ. In witness whereof I the said S. P. have to these presents set my seal.

Given at —— in the said county, this —— day of ——, in the 57th year of the reign of our said Lord the King, and in the year of our Lord 1817.

S. P.

The conviction is to be annexed to the writ, and returned with it, but not the information or depositions; and the conviction must be returned on parchment, or the return may be quashed.

CHARITABLE DONATIONS.

By 52 *Geo. III. c.* 102, a memorial is to be registered by the trustees, &c. of the real and personal estates, and gross annual amount, and of the parti-

cular object of every charitable donation, with the clerk of the peace, who shall send a duplicate copy to be enrolled in chancery. s. 1. If not registered, two or more persons interested may petition the chancellor to compel it. *s.* 5.

Not to extend to any donation not secured on lands, or not permanently invested in stocks or funds, nor to any charity distributable at the discretion of trustees.

Form of the Memorial.

A memorial or statement, in pursuance of an act for the registering and securing of charitable donations, whereby it is declared by the undersigned, [*state the name or names of the persons who sign the memorial or statement*] that the real or personal estate [*state this as the case may be*] of the [*state the title or appellation*] charity (or charitable donation) consists of [*state this as the case may be; and if real estate, whether it be in lands, tenements, or hereditaments, and of what tenure and where the same are situate, or whether if any charge or incumbrance, or any lands, tenements, or hereditaments, and where situate; and if personal estate, describe the nature of it, and how secured, and what the gross annual income arising therefrom amounts to,*] and the objects of which charity or charitable foundation are [*state the general or particular objects of the charity*], and which charity or charitable foundation was, according to the best of my, or our [*as the case may be*] knowledge and belief, founded by [*state by whom*], and benefited, increased, or secured by, [*if so, state the same and by whom*], and the deeds, wills, and other instruments [*state this as the case may be, and if no deeds, wills, or other instruments exist, state the same*]; are, to the best of my [*or our as the case may be*] knowledge and belief, in the custody, possession, or controul [*state this as the case may be*] of [*state the name of the body corporate or natural person,*] and the trustees, feoffees, or possessors [*state this as the case may be*] of the said real and personal estate

[*state this as the case may be*] are, to the best of my [or *our, as the case may be*] knowledge and belief [*state the name of the body corporate or natural person, as the case may be*].

A. B.
C. D.

Trustee or trustees,
Feoffees, possessor or possessors, of the real and personal estate [*as the case may be*] of the charity or charitable donation hereby memorialized and registered.

CHEAT.

By stat. 33 *Hen. VIII. c.* 1, *s.* 2, any person falsely and deceitfully getting into his possession money or other things, by *false token* or *counterfeit letter* made in another man's name, on conviction shall be punished by imprisonment, pillory, or other corporal punishment, and two justices may commit or bail offender until the next sessions. *s.* 3.—And by 52 *Geo. III. c.* 64, which extends the provisions of 30 *Geo. II. c.* 24, persons convicted of obtaining money, goods, wares, or merchandizes, or any bond, bill of Exchange, promissory note, or other security for money, or warrant for delivery of goods or other valuable thing, with intent to cheat or defraud; or sending threatening letters to extort money or security for money, shall be punished as if they had knowingly or designedly by false pretences obtained money, &c. with intent to cheat or defraud. In an indictment the false pretences must be stated. 2 *T. R.* 581.—By 30 *Geo. II. c.* 24, one

justice may hear offences under this act, and bind over prosecutors; and if the goods fraudulently obtained exceed £20. in value, the recognizance to be taken in double the value of the goods; and no person to be bailed without giving twenty-four hours notice to the prosecutor of the names and additions of the bail. *s.* 17.

Warrant of two Justices to apprehend a Cheat, under 33 Hen. VIII. c. 1.

To the Constable of ——.

—— to wit. Whereas complaint hath been made unto us W. S. and J. C. Esquires, two of His Majesty's justices of the peace &c. one being of the quorum, upon the oaths of A. B. and C. D. of ——, yeomen, that on the —— day of ——, in the year of our Lord 1817, one E. F. of ——, yeoman, did, by a certain false privy token [or *counterfeit letter*], that is to say, by [*here state the offence particularly*], falsely and deceitfully obtain and get into his hands and possession [*enumerate the articles*], from G. H. of ——, contrary to the statute in that case made and provided; These are therefore to command you, upon sight hereof, forthwith to bring the said E. F. before us at —— on the —— day of ——, to answer the said complaint, and further to be dealt with according to law.

Given under our hands and seals, &c.

Warrant for obtaining Money under false Pretences.

To the Constable of ——.

—— to wit. Whereas A. B. hath this day made complaint on oath before me, one of His Majesty's justices of the peace for the the said county, that C. D. did on the —— day of ——, knowingly, designedly, and under a certain false pretence, obtain from him the said A. B. at —— in the county aforesaid, the sum of 20s. the proper monies of him the said A. B. with intent to cheat and defraud him thereof against the

form of the statute in that case made and provided; These are therefore in His Majesty's name, to charge and command you forthwith to apprehend the said C. D. and bring him before me, at —— in the county aforesaid, to answer the said complaint, and to be further dealt with according to law.

Given under my hand and seal, &c.

CHIMNEY-SWEEPERS.

By 28 *Geo. III. c.* 48, churchwardens and overseers, with the consent of two justices, may bind any boy of eight years old or more, chargeable to the parish, or who begs, or with consent of parents, to a chimney-sweeper, till sixteen years of age, his age to be mentioned in the indenture.

Covenants for keeping boys under eight years are void; and taking them otherwise incurs a penalty not less than £5. nor more than £10. *Ibid.* Any justice may act between masters and apprentices. Masters not to keep more than six apprentices at one time, on like penalty, and to affix a brass plate on boys' caps, with his name and residence.—Same penalty on masters misusing apprentice.

Masters are not to let apprentices to hire, nor cause them to call the street before seven nor after twelve o'clock, between Michaelmas and Lady-day; nor before five and after twelve o'clock, between Lady-day and Michaelmas, under the like penalty. One magistrate may convict, and penalties are recoverable by distress, but warrant not to issue till six days after conviction, and order for payment previously served on the party. Appeal lies to the session, on giving recognizances and six days notice. *Ibid.*

Chimney-Sweepers' Indentures.

THIS INDENTURE, made the —— day of ——, in the 57th year of the reign of our sovereign Lord George the Third, by the grace of God of the united kingdom of Great Britain and Ireland, King, Defender of the Faith, and in the year of our Lord one thousand eight hundred and seventeen, Between A. B., C. D., E. F. and G. H. churchwardens and overseers of the poor of the parish of —— in the county of ——, of the one part; and J. K. of the parish of —— in the county aforesaid, chimney-sweeper, of the other part, witnesseth, That the said churchwardens and overseers, by and with the consent and approbation of W. S. and J. C. Esquires, two of His Majesty's justices of the peace, acting in and for the said county, signified as hereunder-written, have put and bound, and by these presents do put and bind L. M. a poor boy of the said parish, being of the age of —— years, to be apprentice to the said J. K. he being his first [*second, or as the fact is*] apprentice, to learn the trade, business, art and mystery of a chimney-sweeper, and with him to dwell, remain and serve from the day of the date of these presents, for and during the term of —— years, from hence next ensuing, fully to be complete and ended, during all which time the said L. M. his said master faithfully shall serve and obey, his secrets keep, and his lawful commands every where gladly do and perform; he shall not haunt alehouses nor gaming-houses, nor absent himself from the service of the said J. K. day or night without his leave, but in all things as a faithful apprentice shall behave himself towards his said master and all his, during the said term: and the said J. K. in consideration of the good will which he hath and beareth towards the said apprentice, and of the faithful service to be performed by him, doth hereby covenant, promise, and agree with the said churchwardens and overseers, that he the said L. M. his said apprentice, in the art and mystery of a chimney-sweeper, which he now useth, shall and will teach and instruct, or cause to be taught and instructed, in the best manner that he can, and shall and will provide and allow unto the said apprentice, during all the said term, competent and sufficient meat, drink, washing, lodging, apparel, and all other things necessary for the said apprentice: And that the said J. K. his executors, administrators, or assigns, shall not, nor will assign over this present indenture, or the apprentice to

be bound thereby, without the consent and approbation, in writing, of two or more justices of the peace to be signed according to the form of the approbation hereunder written. And whereas from the nature of the business or employment of a chimney-sweeper, it is necessary for the boys employed in climbing, to have a dress particularly suited to that purpose, which dress is only fit for that part of the occupation; the said J. K. doth hereby also covenant, promise, and agree to and with the said churchwardens and overseers, to find and allow such suitable dress for the said apprentice, as often as need or occasion shall be and require, and provide for and deliver to the said apprentice, once in every year at least, during the term aforesaid, over and above the said dress proper for climbing, one whole and complete suit of clothing, with suitable linen, stockings, hats and shoes: And further, that the said J. K. shall and will, at least once in every week, cause the said apprentice to be thoroughly washed and cleansed from the soot and dirt, and shall and will require the said apprentice to attend the public worship of God on the Sabbath day, and permit and allow him to receive the benefit of any other religious instructions; and that the said apprentice shall not wear the sweeping dress on that day. And the said J. K. shall not, nor will compel and oblige the said apprentice to call in the streets or any other place before seven of the clock in the morning nor after twelve of the clock at noon, between Michaelmas and Lady-day; nor before five of the clock in the morning nor after twelve of the clock at noon, between Lady-day and Michaelmas; And that the said J. K. shall not, nor will at any time, during the said term, let out his said apprentice for hire by the day, night, or otherwise, to any person or persons, exercising or using the said trade; nor shall the said J. K. or any other person or persons whomsoever by his directions, require or force him, the said apprentice, to climb or go up any chimney which shall be actually on fire, nor make use of violent or improper means to force him to climb or go up any such chimney; but shall in all things treat his said apprentice with as much humanity and care as the nature of the employment of a chimney-sweeper will admit of.

In witness whereof the parties abovesaid to the present indentures have interchangeably set their hands and seals, the day and year above written.

Sealed and delivered in the presence of

Assent of the two Justices.

We the above named W. S. and J. C. two of His Majesty's justices of the peace, acting in and for the county of ——, having inspected and examined the above-named L. M. do hereby consent and approve of his being bound [or *assigned over*] as an apprentice to the above named J. K. according to the terms and stipulations expressed in the above-written indenture.

Information against a Master Chimney-Sweeper for misusing his Apprentice.

—— to wit. Be it remembered, that on the —— day of ——, in the 57th year of the reign &c. at —— in the said county, A. B. of ——, gentleman, who prosecutes, as well for himself as the poor of the parish of —— aforesaid, cometh before me J. C. Esq. one of His Majesty's justices &c. and giveth me the said justice to understand and be informed, that on the —— day of ——, in the year of our Lord 1817, one C. D. of ——, master chimney-sweeper, did unlawfully and against the statute in that case made and provided, compel and oblige E. F. then being the apprentice of the said C. D. to call the streets in the town and parish of —— aforesaid, after twelve of the clock at noon of the same day, whereby the said C. D. hath forfeited for his said offence, the sum of £10. of lawful English money; and therefore the said A. B. prayeth judgment of me the said J. C. and that the said C. D. may be forthwith summoned to appear before me to answer the premises, and that one half of the said penalty of £10. be paid to him the said A. B. and the other half to the poor of the said parish of——.

Exhibited before me this —— day of ——, 1817.

J. C.

CHURCH RATES.

By 53 *Geo. III. c.* 127, any person refusing to pay any church or chapel rate, it shall be lawful for one justice of the county where church or cha-

pel is situate, on complaint of church or chapel warden, by warrant of such justice to convene before any two or more justices any person so refusing or neglecting to pay such rate, and to examine upon oath into the merits of the complaint, and by order under their hands and seals to direct payment of what is due, so that the same do not exceed £10. besides costs; and on refusal or neglect to pay, one of such justices by warrant may levy the same by distress and sale. Appeal allowed to the next quarter sessions, whose decision is final; and if the judgment of the two justices be affirmed, the same to be decreed by the order of sessions, with costs, against the appellant, to be levied by distress and sale of his goods; but if appeal made, no distress warrant to issue till after such appeal is determined. *s.* 7.

CHURCHWARDENS.

Justices of the peace have no general jurisdiction over churchwardens, but only for acts done by them as overseers, every churchwarden being an overseeer. 43 *Eliz. c.* 2. *s.* 1. The remedy against them for any misconduct in their office of churchwarden is by process in the Ecclesiastical Courts, or by action at common law. *Dalt.* 186. 1 *Keb.* 571. but if a churchwarden is sued for taking a distress for a poors' rate, under the warrant of justices, he is entitled to the protection given by 24 *Geo. II. c.* 44. Harper *v.* Carr, 7 *Durn. and East,* 270.

The same will equally apply to a distress for a church rate, under 53 *Geo. III. c.* 127. and therefore if such action is brought against him without making the justices defendants, he is entitled to a verdict on proving the warrant of the justices.

COALS.

Defacing or altering marks on keels, boats, waggons, &c. carrying coals after admeasurement (by the Commissioners) in the ports of Newcastle and Sunderland, and other parts, incurs a penalty of £10. to be levied by distress, by warrant of one justice; and in default of distress, commitment to the common gaol for three months. 30 *Car. II. st.* 1, *c.* 8. 6 and 7 *W. c.* 10 and 11. *Geo. II. c.* 15. and by 31 *Geo. III. c.* 36.—After such defacing, &c. keels, &c. to be re-measured and marked before they are again used, under penalty of forfeiting the boat, &c. and the coals. *s.* 1. And persons wilfully removing, defacing, or destroying marks, shall on conviction by one justice, on oath of one witness, forfeit not more than £5. nor less than 40s. and in default, be committed to house of correction for not more than one month, nor less than seven days. *s.* 4.

Three justices may set the price of sea coals brought into any river, (except as excepted in 16 and 17 *Car. II.*) and sold by retail, allowing reasonable profit to retailer; and if retailer refuses,

justices may appoint a person to enter the place where coals are deposited, and in case of refusal may take a constable and enter by force, and sell the coals at the rates fixed, rendering the money to owner. 17 *Geo. III. c.* 35, *s.* 36.

By 47 *Geo. III. c.* 68, extending its operation to London, Westminster, and the liberties thereof, and certain parts of Middlesex, Surrey, Kent, and Essex, within 25 miles of the Royal Exchange, all penalties above £20. under this act are not recoverable before a justice of the peace, but by action at law; it is only necessary therefore to abstract those clauses which relate to offences cognizable by justices.

Persons selling one sort of coals for another, to forfeit £20. for every chaldron sold, and be subject to the penalty imposed by 9 *Ann*, or 3 *Geo. II.* but not for the same offence in respect of any number of chaldrons above 25. *s.* 33.

Any meter or his man, coal-heaver or whipper, who shall be detained on board any vessel beyond the time he would have been detained if the delivery had been at the rate of 42 chaldrons per day, the master or owner of such vessel shall pay him not exceeding 7*s.* per day, as a justice shall direct, if not through the default of such meter, &c. The application to be within three days after the unloading is complete. The compensation so ordered to be levied by distress and sale; in case of non-payment or in default, the offender may be com-

mitted to the common gaol or house of correction for not less than six months, unless the money and costs sooner paid. *s.* 37. and if the detention is occasioned by the coal buyer, he shall repay the money to the ship owner; which re-payment the justice may order, and on refusal, the same may be levied by distress and sale, or in default party to be committed to prison for not more than six months, unless money sooner paid. The application to be made within ten days after award of payment made to ship owner. *s.* 38.

The wages of coal heavers, &c. to be paid in current coin, under a penalty of £10. for each offence; the penalty to go to the informer. *s.* 49. And such wages to be paid at a counting-house, or in the vessel, and not at an alehouse, &c. under penalty of £20. *s.* 50.

If coals delivered from the ship before five o'clock in the evening, coal heavers, &c. to be paid before seven in the same evening; and if delivery not completed at that hour, then payment to be made before seven in the evening of the next day, unless such next day be Sunday, &c. then before nine o'clock of the day on which the delivery is completed, under penalty of £20. *s.* 52.

Any person giving to any ship owner any reward, or the latter receiving the same, for preferring any particular coal-undertaker or gang of coal heavers, incurs a penalty of £20. *s.* 54.

Meter superintending the measurement or de-

livery of coals into any vessel, to give the person having the care of such vessel a certificate of the quantity of coals measured, and shall state in such certificate the number of chaldrons, or tons if sold by weight; and neglecting to give such certificate, or wilfully giving a false number, inserting a false name, or other false statement, to forfeit not exceeding £10. and the like penalty on the person having the care of such vessel, for not waiting a reasonable time to receive, or refusing or neglecting to receive such certificate. *s.* 55. Lighterman to deliver certificate to wharfinger under penalty of not more than £20. and any holder of a landing place refusing to permit any person concerned in the coals to inspect the certificate, to forfeit not exceeding £20. Any person wilfully erasing, defacing, or destroying certificate, to forfeit a like sum. *s.* 56.

Persons preventing the vat from being filled by the meter according to his directions, to forfeit not exceeding £20. *s.* 58.

Not less than five chaldrons and one vat, or some multiple of that quantity, shall be delivered into any barge or division thereof, except for the clearance of the vessel, under penalty of not more than £20. and any person having the care of such lighter, who shall take away the same to prevent it being loaded with the quantity directed, shall forfeit a like sum. *s.* 62.

Meters delivering certificates without having

measured the coals, to forfeit not exceeding £20. *s.* 67.

Coals sold by pool measure to be loaded in sacks in presence of one of the land coal meters; and it shall be lawful for such meter to measure the dimensions of all or any of such sacks, before such sacks shall be filled; and such meter shall, when any room of coals in any lighter, &c. is sent from any such place as pool measure by any land carriage, see that the coals so loaded are taken out of the particular room so sold, and that the whole of the coals are emptied out of such room, and sent away to the purchaser; and in case he shall find any sacks of less dimensions than required by this act, or that any such doth not contain when loaded three bushels of coals, or that such coals sold as the coals of any room, shall not be so, or that the whole of the coals contained in such room shall not be entirely emptied out of the same, in such case he may refuse to countersign the ticket by this act directed to be delivered by every vender to the purchaser; and if any person shall in any manner obstruct such meter, such person shall for such offence forfeit not exceeding £5. *s.* 93.

Every vender of coals (sold as pool measure) to deliver to purchaser a vender's ticket before coals delivered, under penalty of £10. and carman neglecting or refusing to deliver the same to the purchaser or his servant, to forfeit a like sum. *s.* 94.

Purchaser may require coals in any one sack to

be measured gratis, before any of the coals shot, under penalty of £10. for refusing.

Coals exceeding eight bushels, sold by wharf measure, shall be measured in the presence of a land coal meter, by the heaped bushel measure, and the contents of the meter's ticket to be sent with such coals; and purchaser may require coals to be re-measured before one sack is unladen, and ticket made complete and metage paid, shall be delivered unaltered by labouring coal meter to the person carrying such coals, who shall deliver it to the purchaser, who shall pay the metage in such ticket; labouring coal meter refusing to deliver such ticket to the person so employed, to forfeit not exceeding £10. and if person so employed alter, or refuse or neglect to deliver same to purchaser, to forfeit for such offence not exceeding 40s. *s.* 102.

Coal meter, &c. permitting false measure, or delivering tickets for coals which he shall not have seen measured, or countersigning ticket for coals not having inspected them, to forfeit not exceeding £10. *s.* 104.

If coals sold for wharf measure shall be sent without being measured, or without meter's ticket, or if ticket not delivered to purchaser, the vender to forfeit not exceeding £10. *s.* 105.

Coal sacks to be sealed and marked with white paint in oil at Guildhall or Exchequer, and shall measure 4 feet and 2 inches in length, by 2 feet and 1 inch in breadth, (and no sack shall be sealed

or marked which shall not at the time of marking or sealing measure in the inside thereof 4 feet and 4 inches in length and 2 feet and 2 inches in breadth); venders using sacks unmarked, or not of the proper dimensions, to forfeit not exceeding 40s. nor less than 20s. for every such sack, and such sacks to be destroyed. *s.* 107.

Labouring coal meters suffering sacks of less dimensions to be made use of, to forfeit not exceeding £5. *s.* 108.

Bushel to be the same as prescribed by 12 *Ann*, and any vender using any other bushel, or diminishing or permitting to be diminished, such bushel, to forfeit not exceeding £20. and any person acting under the authority of such vender, using any other bushel, or diminishing the same, to be committed by one justice to the house of correction for not exceeding three calendar months. *s.* 109.

All measures less than a bushel to be sealed or stamped at Guildhall or the Exchequer, and any person diminishing such measure, to forfeit not less than £10. *s.* 110.

Coal dealer if dissatisfied with measurement sold as wharf measure, may have them re-measured on giving notice in writing to the office of the principal land meter; and if on re-measurement such coals be equal to or exceed the quantity for which they were sold by two bushels in any chaldron, the meter who first measured such coals shall forfeit 40s. for every bushel so exceeding, and the expense of the re-measuring. *s.* 111.

Carman to carry a perfect bushel measure in his cart, to be provided by vender or dealer, such carman to forfeit not exceeding £10. for every neglect, and vender not exceeding £20. *s.* 112.

Vender to deliver a ticket of coals sold by wharf measure to the purchaser or his servant, under a penalty not exceeding £20. and carman having received the same, not exceeding £10. *s.* 113. and carman, if required, to measure one sack in each cart gratis. *s.* 114.

Carman refusing to measure coals, or driving away without measuring (if required) or hindering the purchaser from measuring the bushel measure, or all or any of the sacks, to forfeit not exceeding £20. nor less than £5. and vender to incur the same penalty. *s.* 115.

Coals sent by land carriage may be measured at the desire of the purchaser, and if carman refuse or prevent such measurement, he shall forfeit not exceeding £10. *s.* 116. Purchaser to send notice in writing of his intention to have coals re-measured to the vender and to the office of the land coal meter, and to pay 6d. a chaldron for every chaldron so re-measured; if any sack shall not contain three bushels, the vender to forfeit not exceeding 40*s.* for every sack so deficient; and if in the whole the coals do not contain the quantity for which they were sold, if they were sold as wharf measure, the vender to forfeit £5. for every bushel deficient; and every such deficient chaldron to go to the poor of the parish where

such coals re-measured; labouring meter who measured such coals to forfeit 40s. for every bushel so deficient, and the coal porters who first measured same for the vender, to forfeit 2s. 6d. for every bushel so wanting; but if coals sold by pool measure, the vender shall, if such deficiency exceed four bushels and not exceed ten bushels in any five chaldrons, and one vat so measured, forfeit for every bushel so found deficient in every such five chaldrons and one vat, 40s. and if such deficiency shall exceed ten bushels in any five chaldrons and one vat, to forfeit for every bushel so deficient £5. but no coals shall be re-measured in order to ascertain the whole quantity, after more than one sack shot upon the premises of the purchaser. *s.* 117.

Meter who countersigned the vender's ticket, in case any deficiency or excess upon re-measurement shall exceed four bushels in any five chaldrons and one vat, to forfeit for every such bushel 20s. *s.* 118.

Vender of coals sold by weight to deliver to purchaser a vender's ticket, under a penalty not exceeding £20. *s.* 123.

Coals of different qualities as set forth in this act, may be mixed, but not to be sold so mixed, unless by wharf measure, nor unless described in the vender's ticket as "best coals mixed," under a penalty not exceeding £20. *s.* 127. No other coals than as in this act prescribed to be sold when mixed, under a penalty not exceeding £20. *s.* 130.

All penalties not exceeding £20. to be recovered before any justice, within one calendar month after offence committed, and may be levied by distress and sale of the offender's goods, and in default, such offender may be committed to the common gaol or house of correction for not more than six calendar months, unless penalty and costs sooner paid; one moiety of penalties to the informer, and the other to the King, or to be applied for the carrying this act into execution, as the convicting justice shall think fit. *s.* 146.

Appeal allowed to the quarter sessions. *s.* 147.

By 39 and 40 *Geo. III. c.* 77, colliers and other persons working coals, wilfully working coal or stone contrary to the stipulations in their agreements with their employers, to forfeit not more than 40s. on conviction before one justice, on oath or by confession, or in default of payment to be committed to the common gaol for not exceeding six months. *s.* 3.

Colliers or miners fraudulently stacking coals, &c. to be committed to the common gaol or house of correction for not exceeding three calendar months. *s.* 4.

Persons stealing coal, culm, coak, wood, iron, ropes, or leather; or who shall steal, break, or destroy implements or tools not exceeding 5s. in value, shall on conviction by one justice, forfeit not exceeding 10s. and costs, or in default be committed to the house of correction to hard labour for one month,

or until penalty and costs sooner paid; for second offence 20s. and costs, or commitment for not exceeding three months; and for the third or any future offence, not exceeding 40s. or commitment for six months, unless penalty and costs sooner paid. *s.* 5.

Half the penalties to the informer and half to the poor. *s.* 6. Prosecution to be commenced within nine calendar months after offence committed. *s.* 9. Appeal allowed to the sessions within three calendar months. *s.* 10.

Information against a Vender of Coals for using Sacks of less dimensions than required, by 47 Geo. III. c. 68.

—— to wit. Be it remembered, That on this —— day of ——, in the year of our Lord one thousand eight hundred and seventeen, A. B. of —— in the county of ——, cometh in his proper person before me S. P. Esq. one of His Majesty's justices of the Peace in and for the said county of ——, and as well on behalf of His Majesty as of himself, and giveth me the said justice to understand and be informed, that C. D. late of —— in the said county of ——, being a vender [or *dealer*, or *carrier*] of coals, did on the —— day of ——, at the parish of —— in the said county of ——, and within the distance of twenty-five miles from the Royal Exchange, unlawfully use —— sacks for the delivery of coals, of less length at the time of using the same than four feet and two inches at the least in the insides thereof, and less breadth than two feet and one inch at the least in the insides thereof (the same coals then and there not being delivered by gang labour), contrary to the statute in such case made and provided; whereby, and by force of the said statute, the said C. D. hath forfeited for the said offence any sum not exceeding 40s. nor less than 20s. for every such sack of less length or breadth as aforesaid:—one moiety of such fines, penalties, and forfeitures, when paid, shall go to the informer, and the other moiety thereof to His Majesty, his

heirs and successors, or shall be applied in such manner for carrying the statute in that case made and provided into execution, as the justice before whom any conviction shall take place shall direct. And thereupon the said informer prays judgment of me the said justice in the premises, and that the said C. D. may be summoned to appear before me, to answer the said information and complaint, and to make his defence thereto.

Exhibited and taken the —— day of ——, in the year of our Lord 1817, before me

S. P.

Summons thereon.

—— to wit. Whereas complaint and information hath been this day made before me S. P. Esq. one of His Majesty's justices of the peace in and for the said county, by A. B. of ——, that on the —— day of —— now instant, at the parish of —— in the said county of ——, you did unlawfully use or caused to be used —— sacks for the delivery of coals, of less length at the time of using the same than is directed by the statute in that case made and provided.

These are therefore in His Majesty's name to will and require you personally to be and appear before me, or such other of His Majesty's justices of the peace for the said county as shall be then and there sitting, at ——, in the parish of —— in the said county, the —— day of ——, 1817, at —— o'clock in the ——noon, then and there to answer the premises as the law directs.

Given under my hand and seal this —— day of ——, in the year of our Lord 1817.

S. P.

Conviction for using Sacks of less dimensions than required, by 47 Geo. III. c. 68.

—— to wit. Be it remembered, That on the —— day of ——, in the year of our Lord 1817, C. D. late of —— in the county of ——, dealer in coals, is convicted before me S. P. Esq. one of His Majesty's justices &c. for that after the 4th day of October, 1807, and within the space of one calendar

month next before the day of exhibiting of this information, to wit, on the —— day of ——, in the year of our Lord 1817, in the parish of —— in the said county of ——, he the said C D. then being a dealer in coals, and then and now living within the said county of ——, to wit, at —— aforesaid, and within twenty-five miles of the Royal-Exchange, did unlawfully use —— sacks in the carriage and delivery of coals from a certain wharf called —— wharf, within the county of —— aforesaid, to ——, in the parish of —— in the county aforesaid, the said sacks being, and each of them being less than four feet and two inches in length, at the time of using the same, that is to say of the length of four feet and one inch only [or *as the case is*], and the said coals so carried and delivered in the said sacks not being conveyed by gang labour, contrary to the provisions of an Act of Parliament made in the 47th year of the reign of King George the Third, intituled "An Act &c."

Given under my hand and seal, &c.

Conviction for using unmarked Sacks for the Carriage of Coals, by 47 Geo. III.

—— to wit. Be it remembered, That on the —— day of ——, in the year of our Lord 1817, A. B. late of —— in the said county of ——, dealer in coals, is convicted before me S. P. Esq. one of His Majesty's justices of the peace for the said county, for that after the 4th day of October, 1807, and within the space of one calendar month next before the exhibiting of this information, to wit, on the —— day of ——, in the year of our Lord 1817, in the parish of —— in the said county of ——, he the said A. B. then being a dealer in coals, and then and now living within the said county of ——, to wit, at —— aforesaid, did make use of —— sacks in the carriage and delivery of certain coals from a certain wharf called —— wharf, on the river Thames, within the city and liberty of Westminster, in the said county of Middlesex, to and at the dwelling house of one C. D. situate and being in a certain street called —— Street, in the said parish of —— in the said county of Middlesex, the said —— sacks not being nor any nor either of them being at the time they were so made use of sealed and marked with white paint in oil, at Guildhall, London, or at the Exchequer Office, at Westminster, by the proper

officer there, and the said coals so carried and delivered in the said sacks not being conveyed by gang labour, contrary to an Act of Parliament made in the 47th year of the reign of King George the Third, intituled "An Act for repealing the several "Acts for repealing the vend, and delivering of Coals within "the cities of London and Westminster, and liberties thereof, "and in certain parts of the counties of Middlesex, Herts, Surrey, "and Essex, and for making better provision for the same."

Given under my hand and seal, at —— in the said county of ——, the day and year first above written.

Conviction (general), under 39 and 40 Geo. III. c. 77.

Be it remembered, That on the —— day of ——, in the year of our Lord 1817, A. B. having been brought before me [or *having been duly summoned and not having appeared*], is on his own confession [or *on due proof*], convicted before me S. P. Esq. one of His Majesty's justices &c. for that he, the said A. B. on the —— day of ——, at —— in the said county, did [*state the offence, following the words of the statute, and stating whether it is the first offence or otherwise*], against the form of the statute in that case made and provided, and I do adjudge him to forfeit and pay for the said offence the sum of ——, and also the further sum of —— for the charges of this conviction.

Given under my hand and seal &c.

COIN.

No other weights but such as are legally stamped allowed in weighing gold or silver coin; counterfeiting the stamp, or increasing or diminishing the weight, after stamped, incurs a penalty of not exceeding £50. on conviction before two justices, half to the King, and half to the informer, or in default of payment, commitment for any time not exceeding three months.—14 *Geo. III. c.* 92, *s.* 4, 5.

Counterfeiters of gold or silver coin, not current, their aiders and abettors, are guilty of misprision of treason. 14 *Eliz. c.* 3. and by 37 *Geo. III. c.* 126, persons making coin resembling foreign gold or silver coin, not current, are guilty of felony, and may be transported for seven years, *s.* 2.—And bringing counterfeit foreign coin for the purpose of uttering, is punishable by transportation for seven years. *s.* 3.

One justice, on complaint on oath, that persons are suspected of counterfeiting copper coin, may, by warrant, cause search to be made for tools, &c. and if found, to be seized and carried to the justice, who shall secure the same, to be produced in evidence, and afterwards defaced and destroyed. 11 *Geo. III. c.* 40.

Counterfeiters of foreign copper coin, or mixed metal, of less value than the silver coin of any foreign prince, are guilty of a misdemeanor and breach of the peace; and for the first offence may be imprisoned not exceeding one year, and for the second, transportation for seven years. 43 *Geo. III. c.* 139, *s.* 3.

Any person, without reasonable cause, having more than five pieces of counterfeit foreign coin in his possession, incurs a penalty of from 40*s.* to £5. each piece, on conviction before one justice, on the oath of one witness, and if penalty is not paid, commitment for three calendar months; half penalty to the informer, and half to the poor.

37 *Geo. III. c.* 126, *s.* 4, 5. and if any person has more than five pieces of counterfeit coin *of any kind* in his possession, without lawful excuse, he *shall* forfeit not exceeding 40*s.* nor less than 10*s.* or commitment for three months, in default of payment. *s.* 6.

By 14. *Geo. III.* made perpetual by 39 *Geo. III. c.* 75, importing light silver coin, if not of the value of £20. incurs the forfeiture of the coin, and the offence may be heard and determined by two justices.

By 44 *Geo. III. c.* 71, counterfeiting, or bringing into the United Kingdom, Bank of England dollars, is made a felony, with transportation for seven years; and knowingly uttering, six months imprisonment, and sureties for good behaviour for six months more; for second offence, two years imprisonment, and sureties for two years; and for third offence, transportation for fourteen years. *s.* 3.

Having more than five counterfeit dollars in possession, on proof by one witness, before one justice, incurs the forfeiture of the dollars, and a penalty of not less than 40*s.* nor more than £5. each, one half to the informer, and the other to the poor, or commitment for three months in default of payment. *s.* 5.—Justices are empowered to search for and seize counterfeit dollars, on complaint by one witness, of reasonable cause of suspicion. *s.* 6.

No proceedings under this act to be removed by *certiorari*. *s.* 7. Action brought under this act to

be commenced in three months, and party to have fourteen days notice. *s.* 8.

By 52 *Geo. III. c.* 50, current gold coin shall not be received and paid for more than the true value; offenders to be guilty of a misdemeanor, and to suffer, for the first offence, six months imprisonment, and find sureties for good behaviour for one year, from the expiration of the six months; for a second offence, twelve months imprisonment, and find sureties for twelve months more; and for every subsequent offence, two years imprisonment. *s.* 1.

Indictment shall not be traversed, *s.* 3. and on prosecution it is not necessary to prove the money good and lawful. *s.* 4.

Bank notes of England or Ireland shall not be received, or paid for less than their value; offenders to forfeit double the sum specified in such notes, and be imprisoned not exceeding two months. *s.* 5.

Distress for rent stayed on tender of the rent in bank notes, on pain of the party refusing paying all subsequent costs, provided the full amount of the rent due and costs is tendered. *s.* 6.

Bank notes good payment for money directed to be paid under any legal proceedings. *s.* 7. and to be taken by officers levying under any legal process. *s.* 8.

This act was only to continue until three months after the next sessions, but it is further continued by 53 *Geo. III. c.* 5, and by 54 *Geo. III. c.* 52, it

is revised and continued during the continuance of any act imposing any restriction on the Bank with respect to payment in cash.

By 52 *Geo. III. c.* 137, for further preventing the counterfeiting of bank tokens, it is enacted, that any person counterfeiting the same, shall be guilty of felony, and be transported for fourteen years. *c.* 1. and for uttering or selling the same, for the first offence, one year's imprisonment, and to find sureties for two years after the end of the imprisonment; and for second offence to be transported for fourteen years. *s.* 2. And persons engraving or uttering any paper resembling Bank of England notes, to be adjudged guilty of felony, and shall be transported for fourteen years. *s.* 6.

By 52 *Geo. III. c.* 157, no gold, silver, or mixed metal tokens, except those issued by the Bank, to be issued or circulated, under a penalty of not more than £20. nor less than £5. at the discretion of the justice or justices who shall hear and determine the offence. *s.* 1. to take effect from 25th March 1813.

Justices empowered to hear and determine offences in a summary way, and to levy penalties by distress. Witness not attending summons to forfeit £20. to be levied in like manner, one moiety of penalties to the informer, and the other to the poor of the parish: if no distress, the offender may be committed to gaol or house of correction for three months, unless penalty be sooner paid, or un-

til offender gives notice of appeal, and enters into recognizance to prosecute it. The decision of the sessions final.

For the penalties and punishment for clipping, rasping, filing, colouring, impairing, &c. the current coin, not immediately cognizable by justices, see stat 5 *Eliz. c.* 11. 18 *Eliz. c.* 1. 7 and 8 *Wm. c.* 19. 8 and 9 *Wm. c.* 26. 1 and 7 *Ann, c.* 9 and 25. 15 *Geo. II. c.* 28.

Complaint in order to obtain a Search Warrant against Coiners.

—— to wit. Be it remembered, That this —— day of ——, in the year of our Lord 1817, A. B. of —— in the county of ——, yeoman, a credible witness in that behalf, cometh before S. P. Esq. one of His Majesty's justices of the peace in and for the said county, and upon oath saith that he hath just and reasonable cause to suspect, and doth suspect that C. D. of —— is concerned in the counterfeiting of [*as the fact is, adopting the words of the act which authorizes the search*], in a certain dwelling house, situate at ——, for he the said A. B. upon his oath aforesaid, doth depose and say, that [*set forth the cause of suspicion that the same may appear reasonable*].

A. B.

Sworn before me,
S. P.

Warrant on the above Complaint.

To the Constable of ——.

—— to wit. Whereas A. B. of —— in the said county of ——, yeoman, a credible witness in that behalf, hath this day made complaint upon oath before me S. P. Esq. one of His Majesty's justices of the peace in and for the said county, that he hath just and reasonable cause to suspect, and doth suspect,

that C. B. of —— is concerned in the counterfeiting of [*set forth the offence from the words of the Act*] in a certain dwelling house situate at ——; These are therefore, in His Majesty's name, to authorise and require you, with necessary and proper assistants, to enter in the day time into the said dwelling house of the said A. B. at —— aforesaid, and there diligently to search for such false or counterfeit —— and all tools or implements and materials for making or coining any such false or counterfeit ——, and if the same or any of them shall be found on such search, you are to bring the same and every of them so found, before me or some other of the justices of our said Lord the King, assigned to keep the peace for the county aforesaid, in order that the same may be secured and produced in evidence against the said A. B. and such other person or persons who shall or may be prosecuted for the offence aforesaid, according to the statute in that behalf made and provided.

Given under my hand and seal,

S. P.

Conviction, under 52 Geo. III. c. 157.

Be it remembered, That on the —— day of ——, in the year of our Lord 1817, A. B. having appeared before me [or *us*] one [or *more*] of His Majesty's justices of the peace [*as the case may be*] for the county, riding, city, or place [*as the case may be*], and due proof having been made upon oath by one or more credible witness or witnesses, or by confession of the party [*as the case may be*], is convicted of [*specifying the offence*].

Given under my hand and seal [or *our hands and seals*], the day and year aforesaid.

Distress Warrant for a Penalty.

To the Constable, Headborough, or Tything-man of ——.

—— to wit. Whereas A. B. of —— in the county of ——, is this day convicted before me [or *us*], one [or *more*] of His Majesty's justices of the peace [*as the case may be*] for the county of ——, or for the riding of the county of ——, or for the town, liberty, or district of —— [*as the case may be*], upon the oath of C. D. or E. F. and G. H. a credible witness

or witnesses, or by confession of the party [*as the case may be*], for that the said A. B. hath [*here set forth the offence*], contrary to the statute in that case made and provided, by reason whereof the said A. B. hath forfeited the sum of ——, to be distributed as herein is mentioned, which he hath refused to pay: These are therefore, in His Majesty's name, to command you to levy the said sum of —— by distress of the goods and chattels of him the said A. B. and if within the space of —— days next after such distress by you taken, the said sum, together with the reasonable charges of taking the same, shall not be paid, then that you do sell the said goods and chattels so by you distrained, and out of the money arising by such sale, that you do pay one half of the said sum of —— to C. D. of ——, who informed me [or *us, as the case shall be*] of the said offence, and the other half of the said sum of —— to the overseer of the poor of the parish, township, or place where the offence was committed, to be employed for the benefit of such poor; returning the overplus (if any) upon demand to the said A. B. the reasonable charges of taking, keeping, and selling the said distress being first deducted. And if sufficient distress cannot be found of the goods and chattels of the said A. B. whereon to levy the said sum of ——, that then you certify the same to me [or *us, as the case may be*] together with this warrant.

Given under my hand and seal [or *our hands and seals*] the —— day of ——, in the year of our Lord 1817.

COMBINATION.

By 39 and 40 *Geo. III. c.* 106, contracts amongst workmen for obtaining an advance of wages, altering the usual time of working, or decreasing the quantity of work, are null and void, and every workman who shall so contract shall be committed to the common gaol for not more than three months, or house of correction for not more than two months, on conviction before two justices; and

any workman entering into any combination for advance of wages, or who shall wilfully or maliciously endeavour to prevent any workman from hiring himself, or prevail on him to quit his employ, or hinder any master from employing any person, or without reasonable cause shall refuse to work with any other workman; and all persons who shall attend any meeting for the purpose of making any illegal contract, or who shall summon or endeavour to induce any journeyman to attend any such meeting for such purposes, shall suffer the like punishment. *s.* 1, 2, 3, 4.

The contributing money for supporting persons as an inducement for them not to work, incurs a penalty of not exceeding £10. and persons collecting money for that purpose, to forfeit not exceeding £5. one half to the informer and the other to the poor. *s.* 5.

Offences to be determined by two justices, and penalties to be levied by distress; or in default, commitment to the house of correction, *s.* 5.—Contributions made for any prohibited purpose, to be forfeited, one moiety to the King, and the other to the person who shall sue for it. *s.* 6.

Justices may summon offenders, and on their not appearing, may issue warrant; and on their appearing, or proof of absconding, may convict or acquit the parties. *s.* 10.—They may also summon witnesses, and for non-appearance, or refusal to give evidence, may commit until they submit. *s.* 11.

Convictions to be filed at the sessions, *s.* 13, and appeal allowed on the party entering into recognizance to prosecute it; the decision of the sessions to be final.

This act not to abridge the power heretofore given to justices touching combinations, or in settling disputes between masters and journeymen. *s.* 15. No justice to act that is concerned in the trade, in which any offence is committed *s.* 16.—Masters convicted of entering into illegal contracts, to forfeit £20. one half to the King, and the other to the informer and the poor, to be levied by distress; and if not paid, the offender may be committed for not exceeding three, nor less than two calendar months. *s.* 17.

By stat. 41 *Geo. III. c.* 38, the forms of conviction are altered, but no part of the act repealed.

For the laws relating to combinations amongst particular manufacturers, see the title "*Manufacturers.*"

Conviction, under 41 Geo. III. c. 38.

Be it remembered, That on the —— day of ——, in the 57th year of His Majesty's reign, and in the year of our Lord 1817, A. B. is convicted before us W. S. and J. C. Esquires, two of His Majesty's justices of the peace for the county of ——, of having [*state the offence*], contrary to the statute made in the 39th and 40th year of the reign of His present Majesty, intituled "*An Act to repeal an Act passed in the last Session of Parliament, intituled, an Act to prevent the unlawful Combinations of Workmen, and to substitute other*

Provisions in lieu thereof;" we, the said justices, do hereby order and adjudge the said A. B. for the said offence, to be committed to and confined in the common gaol of the said *county, [or riding, liberty, division, city, town or place]*, for the space of —— [or *be committed to the house of correction at* ——], there to be kept to hard labour for the space of ——.

Given under our hands and seals &c.

Conviction in a pecuniary Penalty.

Be it remembered, That on the —— day of ——, in the 57th year [*as in the last conviction to the title of the act inclusive*], and we the said justices do hereby adjudge and determine the said A. B. for the said offence, to forfeit and lose the sum of —— of lawful money of Great Britain, to be distributed as the act directs.

Given under our hands and seals &c.

COMMITMENT.

Persons not bailable, or not finding bail, may be committed, 2 *Haw. c.* 16, *s.* 1.—Persons charged with felony, on oath, cannot be discharged by a justice, who must bail or commit him. 2 *H. H.* 121. felons must be committed to the common gaol, and not elsewhere. 5 *H.* 4, *c.* 10.

By 6 *Geo. c.* 19, vagrants and persons charged with small offences, may be committed to the common gaol, or house of correction, at the discretion of the magistrate. *s.* 2.

If any person is apprehended upon a warrant indorsed in another county, for an offence not bailable, or if he shall not find bail, he shall be carried into the first county, and be committed,

or bailed (if bailable) by justices in such first county. 24 *Geo. II. c.* 55.

Commitment must be in writing under hand and seal, and should shew the authority of him that made it, the time and place where made, and be directed to the keeper of the prison; it may be either in the King's name, and only tested by the justice, or in the justice's name. It should set forth the crime with certainty, and the name of the offender, if known; if not known and he refuses to declare his name, or it cannot be otherwise ascertained, it should set forth a sufficient description of his person; and it is proper to state that the party is charged on oath. 2 *Haw. P. C. c.* 16, *s.* 13, 14, 15, 16, 17.—It ought to conclude, that the party be safely kept till delivered by law, or by order or due course of law, or that he be kept till further order; or if he be committed for want of bail, it is good to conclude that he be kept till he find bail. *s.* 18. but if he be committed for any time limited by positive statute, the conclusion will limit that time; if for contumacy, *until he comply;* but if any act of parliament prescribe a particular form of conviction, it should be strictly complied with; and if committed for non-payment of a fine, it ought to be till he pay the fine. If his punishment be not only fine but imprisonment, it should order imprisonment for such a time, and also from thence until he shall have paid the fine.

A justice may detain a prisoner a reasonable

time for examination, and it is said, three days is a reasonable time. 2 *Inst.* 52, 591.

Offenders to defray the charge of commitment, both of themselves and the persons who guard them; and on refusal, the charges to be levied by distress and sale of their goods. 3 *Jac. I. c.* 10. but if no goods, to be paid by the treasurer of the county, by justice's warrant. 27 *Geo. II. c.* 3. In Middlesex, the charges to be paid by the overseers where the person is apprehended.

The power of justices to commit in cases cognizable by a summary jurisdiction is derived from the particular statute under which they commit; and if any statute assigns this mode of punishment in the first instance, it is the legal consequence of the judgment; but where it is merely for enforcing payment of a fine, the justice cannot legally commit until it is ascertained by the return of a distress warrant that the offender had no goods to levy the penalty. R. *v.* Hawkins. *Fort*, 272. *Paley on Convic.* 184. if the justice is authorized to detain the party in custody till the return of the distress warrant, such order of detention may be by *parol.* 7 *East.* 534. but unless a power is given by the statute to detain the party in custody in the mean time, such detention is not warranted; and several statutes direct the conviction to be after due proof on oath of want of distress. 17 *Geo. II. c.* 36. 50 *Geo. III. c.* 108, *s.* 7.

A commitment in execution (which is in all cases a commitment after conviction) must state that the party has been convicted. 4 *T. R.* 220. 12 *East.* 78. and this is a rule which applies equally to commitments under particular statutes as otherwise. 6 *T. R.* 509. Where imprisonment is only inflicted by statute, as an alternative punishment for want of sufficient distress, the commitment must expressly allege the fact to be so, and not that the officer had returned that the defendant had no goods. 12 *East.* 67, 82.

By 17 *Geo. II. c.* 5, it is enacted, that where the time and manner of punishment are not expressly limited by statute, the offender may be committed to the house of correction, to be kept to hard labour till the next quarter sessions, or until discharged by due course of law; and any two justices (of which the justice who committed the offender must be one) may discharge the offender before the sessions if they see cause, and if not so discharged, the sessions may discharge or continue him in custody not exceeding three months.

A commitment may be for costs, in default of sufficient distress. 18 *Geo. III. c.* 19.

A warrant of commitment cannot be executed on Sunday. 1 *T. R.* 965. and when directed to a particular constable by name, and to all other constables, &c. in the county of ——, it may be executed any where within the jurisdiction of the convicting

magistrate; but except the constables specially named, the others can only execute it within their own precincts. 1 *H. Bl.* 15. *n.*

Bail cannot be admitted on a commitment after conviction, for it is a commitment in execution; but if the commitment be till payment of a fine, the party is entitled to his liberty on payment of it, and he may tender the money to the officer executing the warrant, who shall in that case discharge him. 1 *Wils.* 153.

A warrant of commitment, unless returnable at a specific time, remains in force during the life of the magistrate granting it; and if an offender is suffered to go at large on an offer to find bail or procure the penalty (which he neglects to do) he may be apprehended again on the same warrant.

Mittimus on suspicion of Felony.

S. P. Esq. one of the justices of our Lord the King, assigned to keep the peace in the said county, and also to hear and determine divers felonies, trespasses, and other misdemeanors in the said county committed.

To the Keeper of the Gaol of our said Lord the King, at —— in the said county, or to his deputy there, and to each of them, greeting.

—— to wit. These are, in His Majesty's name, to charge and command you that you receive into your said gaol the body of A.B. late of &c. [*labourer*] taken by C.D. constable of —— in the said county, and by him brought before me on suspicion of felony, that is to say, for stealing [*here state the*

particulars], and that you safely keep the said A. B. in your said gaol, until the next general gaol delivery for the said county, [*if he be not bailable*, or *if bailable thus*], until he shall be thence delivered by due course of law. And for your so doing, this shall be to you and every of you a sufficient warrant.

Given under my hand and seal, this —— day of ——, 1817.

Another.

S. P. Esq. one &c. To the keeper of the gaol of our said Lord the King, at —— in the said county, or to his deputy there.

—— to wit. Whereas A. B. late of —— in the said county, yeoman, hath been arrested by the constable of —— in the said county, on suspicion of felony by him, as it is said, committed, in stealing a bay mare, of the value of ——, the property of W. T. of &c. gent. Therefore, on behalf of our said Lord the King, I command you and each of you, that you or one of you, receive the said A. B. into your custody in the said gaol, there to remain until he shall be delivered by due course of law.

Given under my hand and seal, &c.

Another in the King's Name.

George the Third, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith.

To the Keeper of our Gaol at —— in our said county, or to his deputy.

—— to wit. Whereas A. B. late of —— in our said county, is arrested on suspicion of felony by him, as it is said, committed, in feloniously taking and carrying away ——, of the value of ——, the property of C. D. I therefore command you and each of you, that you receive him the said A. B. into your custody in our said gaol, or that one of you do receive him, there to remain till he be delivered from your custody according to the law of our kingdom of England.—Witness S. P. Esq. one of the justices assigned to keep the peace in our

said county, and also to hear and determine divers felonies, trespasses, and other misdemeanors in our said county committed, at —— in the said county, the —— day of ——, in the year of our Lord 1817.

Warrant of Commitment, (general.)

S. P. Esq. one of the justices of our Lord the King, assigned to keep the peace within the said county.

To the Constable of the parish of —— within the said county, and to the Keeper of the House of Correction at ——, in the said county.

—— to wit. These are to command you, the said constable, in His said Majesty's name, forthwith to convey and deliver into the custody of the keeper of the said house of correction, the body of A. B. who is charged on the oath of C. D. of —— in the said county, with having [*here state the offence*].

And you the said keeper are hereby required to receive the said A. B. into your custody in the said house of correction, and him safely keep until he shall be discharged by due course of law [or *for the space of three calendar months, as the case may be*].

Given under my hand and seal, this —— day of ——, in the year of our Lord 1817.

Commitment of a Rogue and Vagabond.

To the Keeper of the House of Correction at ——, or his deputy.

—— to wit. Receive into your custody the body of A. B. a rogue and vagabond, herewith sent you, brought before W. S. Esq. one of His Majesty's justices of the peace in and for the said county, by C. D. constable of the parish of ——, and charged and convicted before me the said justice, upon the oath of E. F. with being a rogue and vagabond, within the intent and meaning of the statute, made in the 17th year of the reign of His late Majesty King George the Second, intituled "An Act

to amend and render more effectual the Laws relating to Rogues and Vagabonds, &c." namely, a person of evil fame, and a reputed thief, apprehended in —— in the said county, on the —— day of ——, with intent then and there to commit felony. And it appearing before me the said justice, upon the oath of the said E. F. a credible witness, that the said A. B. is a person of evil fame and a reputed thief; and the said A. B. upon his examination before me, not being able to give a satisfactory account of himself, or of his way of living; and it also appearing, to the satisfaction of me the said justice, that there is just ground to believe the said A. B. was in the said —— as aforesaid, with such intent as aforesaid, against the form of the statute in such case made and provided; him therefore safely keep in your said custody until the next general [or *general quarter*] sessions of the peace, to be holden for the said county, and until he shall be discharged by due course of law. And for so doing this shall be your sufficient warrant.

Given under my hand and seal, this —— day of ——, in the year of our Lord 1817.

Commitment on a preceding Conviction for non-payment of a Penalty.

S. P. Esq. one of the Justices of our Lord the King, assigned to keep the peace within the county of ——, to the Constable of the parish of —— in the said county, and to the Keeper of the House of Correction at —— in the said county.

—— to wit. A. B. of —— in the said county [*labourer*], having been this day convicted before me of having on ——, the —— day of ——, at —— in the county of —— aforesaid, [*describe the offence particularly,*] contrary to the form of the statute in that case made and provided; and he, the said A. B. having for such offence been adjudged by me the said justice to have forfeited the sum of £——, to be paid to ——, [*here state the application of the penalty by the statute,*] and the said A. B. being so convicted as aforesaid, and not having paid on such conviction the said penalty so adjudged by me to be therefore forfeited, I the said justice do hereby commit and send the said A. B. to the house of correction at —— aforesaid in the county aforesaid, there to remain for the space of —— months,

unless the said forfeiture shall be sooner paid. And I do hereby command the constable of the parish of —— aforesaid, to convey and deliver the body of the said A. B. to the keeper of the said house of correction, and the said keeper of the said house of correction is hereby, by me the said justice, required to receive the said A. B. into his custody in the said house of correction, and him there safely to keep, in execution of the judgment and conviction aforesaid.

Given under my hand and seal, at —— in the county of ——, this —— day of ——, 1817.

This commitment is only applicable to cases in which the statutes give the power to commit without a previous distress warrant, it is therefore unnecessary to state such warrant, or the return of want of distress. The following will be the form when penalty is directed first to be levied by distress.

Commitment for want of Distress on Constable's Return of no sufficient Goods.

To the Constable of —— [*as in last precedent*].

—— to wit. Whereas A. B. of —— in the said county, [*labourer,*] was on the —— day of ——, 1817, duly convicted before me S. P. Esq. one of His Majesty's justices of the peace in and for the said county, and also to hear and determine &c. for that he the said A. B. did on —— [*state the offence in the words of the statute*], contrary to the form of the statute in such case made and provided, by reason whereof he the said A. B. hath forfeited the sum of £——. And whereas on the —— day of ——, in the year aforesaid, I did issue my warrant to the constable of —— in the said county, to levy the said sum of £—— by distress and sale of the goods and chattels of him the said A. B. and whereas it appears to me, on the oath of E F. the constable aforesaid, that he the said constable hath used his utmost endeavours to levy the said sum of £ ——

on the goods and chattels of the said A. B. and that no sufficient distress can be found whereon to levy the same; therefore in pursuance of the statute aforesaid, I do hereby command you the said constable of ——, to convey him the said A. B. to the house of correction [or *common gaol*], at —— aforesaid, and deliver him to the keeper thereof, together with this precept. And I do hereby command you, the said keeper of the said house of correction [or *gaol*], to receive into your custody in the said house of correction [or *gaol*], him the said A. B. and him there safely keep for the space of ——, unless the said penalty shall be sooner paid. Herein fail you not respectively at your peril.

Given under my hand and seal, &c.

Commitment to hard Labour and Whipping.

To the Constable of &c. *(as before.)*

—— to wit. Whereas A. B. of &c. is this day duly convicted before me [*as in last precedent*], These are therefore to require and command you the said constable to convey the said A. B. to the said house of correction at —— aforesaid, and deliver him to the keeper thereof, with this precept. And I do also require you the said keeper of the said house of correction, to receive him the said A. B. into your custody in the said house of correction, and him there to keep to hard labour for the space of —— next ensuing, and [*if statute so orders*] until he shall find sureties for his good behaviour for —— years.—And I do likewise hereby order you the said keeper of the said house of correction to whip him the said A. B. once [or *oftener if the statute directs it*] during the said —— months, in the market town of —— in the said county, on the market day there, between the hours of eleven o'clock in the forenoon and two o'clock in the afternoon, and for so doing this shall be your sufficient warrant.

Given under my hand and seal, &c.

Commitment for further Examination.

To the Keeper of the Common Gaol at —— in the county of ——.

—— to wit. Receive into your custody the body of A. B. herewith sent you, brought before me S. P. Esq. one of His Majesty's justices of the peace in and for the said county, by C. D. constable of ——, charged on the oath of E. F. of —— in the said county, [*labourer*] on suspicion [*state the offence*] and him safely keep in your custody for further examination, and until he shall be discharged in due course of law.

Given under my hand and seal, &c.

The forms of commitments applicable to different offences, are inserted under the respective titles of those offences.

CONFESSION.

If a party, on an examination before a justice, confesses a crime, it may be given in evidence against him, but not against others. 2 *Haw. c.* 46, *s.* 3. but it must not have been obtained by any promise, favour, menace, or terror. 2 *H. H.* 285. and the identity of the examination must be proved before it can be read in evidence. *Sum.* 263. It must be in writing and not orally, and must be taken altogether and not by parcels. 2 *Haw. c.* 46, *s.* 5.—*Leach* 286. Persons confessing themselves, and on that confession adjudged guilty of felony, cannot be admitted to bail, as the only reason for admitting to bail in felony, is where the crime is doubtful. 2 *Haw. c.* 15. *s.* 40.

Prisoner may be convicted on the uncorroborated evidence of his own confession. *Leach* 287.

CONSTABLE, (*Petty.*)

A constable by the common law is a conservator of the peace. *Cromp. J. P.* 201. He is also ministerial to justices of the peace, coroners, sheriffs, &c. and is bound to obey their precepts, or in default may be indicted and fined. *Comb.* 204. Every village or township must have a constable. 12 *Mod.* 180. but he cannot execute out of his own jurisdiction a warrant directed generally to all constables. 1 *Hale, P. C.* 459. but he may, if directed to him by name, though he is not compellable. 1 *Salk.* 176. 2 *H. B.* 13.

A constable ought not to be the keeper of a public house, and he must be a resident in the place for which he is chosen. 6 *Mod.* 42. 12 *Mod.* 256.

Persons exempt from serving the office are, *justices of the peace in their own county, attornies, barristers, the president and fellows of the College of Physicians in London, but not elsewhere; freemen of the Company of Surgeons, dissenting teachers, apothecaries practising in or within seven miles of London, free of the Company, or in the country, having served seven years; the original proprietor or first assignee of a Tyburn ticket*, naturalized foreigners, and militia-men.*

* But this does not exempt the person from serving the office in a village or township, and it can only be once used. 2 *Burr.* 1182. 10 and 11 *W. III. c.* 23.

A constable is chosen at the leet, or where there is no leet, at the tourn; if he die or quit the precinct, *two* justices may make and swear a new one until the leet; the next quarter sessions may approve the person so appointed, or appoint another until the leet; or if the constable hath continued a year, they may appoint another in his place, but the right is in the leet, and neither the justices in or out of quarter sessions can discharge a constable appointed by the leet, or appoint one of their own authority. *Str.* 798, 1050, 1213. but a justice may fine a constable appointed at the leet, if he see cause. *Bulstr.* 174. and if justices refuse to swear a person chosen at the leet, a mandamus will lie to compel them. 1 *Roll. Abr.* 535. but justices of the peace have immemorially appointed and sworn petty constables, those who have not been chosen at the leet, on neglect of such courts being holden; and this power from long usage seems now undisputed. 2 *Str.* 1149.

A person appointed constable may be indicted for refusing to take the office. 2 *Str.* 928. but if he has once been allowed to appoint a deputy who is approved of, he is altogether discharged. 3 *Esp. R.* 59.

As to his power,—he may, *ex officio*, without a warrant, apprehend and imprison a felon till he can be conveyed to a justice of the peace. A constable (after giving notice that he is one) may break open the doors of a house to arrest a felon,

if he be concealed therein and peaceable entrance is denied. 2 *H. P. C.* 90, 82, and if the felon resists or flies, it is not murder if the constable kill him; and it is said. 11 *Mod.* 248. that a constable may apprehend without warrant on suspicion of felony, or from the information of others, if there be probable cause. *Cromp. J. P.* 87, 154. but if he makes himself a party oppressing the party, knowing the charge to be false, he is liable to an action for false imprisonment. 4 *Esp.* 80. He may commit affrayers to the stocks on his own view, but not if absent. *Dalt. c.* 1. *Cro. Eliz.* 375, 376. He may imprison to prevent a felony. *Moore*, 284. He may take sureties (by *obligation* but not *recognizance*) for the peace in his own name, but not otherwise, and may certify it at the sessions. *Cromp. J. P.* 201. and if one be menaced, he may compel the menacer to find surety or commit him to prison till he do. 4 *Inst.* 265. *Cro. Eliz.* 375-6. He may break open a house when entrance is denied, to abate an affray or to suppress disorderly drinking or noise at an unseasonable hour of the night. *Hale, P. C.* 95. He may imprison one who insults or assaults himself, or opposes him, though verbally, in the execution of his office, and may beat another in his own defence. *Cromp. J. P.* 131.

If a warrant be directed generally, "to bring before me or some other justice," he may carry the prisoner before what justice he chooses in the county, but not if special. 5 *Rep.* 596.

Of his Duty.

He is bound to execute the warrants of justices of the peace, and may be indicted for refusing. 2 *Haw. c.* 10. *s.* 62.

He must keep in custody a party brought before a justice until he is bailed, committed, or discharged. *Cromp. J. P.* 201.

He should seize the goods of felons who fly the country, for the King's use. *Ibid.* He is to aid and assist in the appraisement and sale of goods distrained for rent, and may swear the appraisers. 2 *W. and M. Sess.* 1, *c.* 5. He is also to aid landlords in seizing as a distress for rent, goods fraudulently removed to avoid such distress, and may break open a house wherein they are deposited, (oath being first made before a justice of reasonable suspicion of their being there). 11 *Geo. II. c.* 19.

Where no rate is made for the relief of the poor the quarter sessions may direct the sum assessed for the purposes of the act. 12 *Geo. II. c.* 29, to be rated and levied by the constable.

He is to execute the warrant of two justices to make a general privy search for vagrants. 17 *Geo. II. c.* 5.

Constable may seize a stranger guilty of profane cursing and swearing, and carry him before a justice; but if known, he must lay an information. 19 *Geo. II. c.* 21, *s.* 3.

When on a warrant indorsed he apprehends an

offender, he is to carry him before the justice who indorsed it, and if the offender find bail, he is to receive the recognizance, examination, &c. and deliver them to the clerk of the assize or clerk of the peace of the county where such offender is required to appear; and if the offender is not bailed, he is to carry him before a justice of the county where the offence was committed. 24 *Geo. II. c.* 55.

Constable making a distress under a justice's warrant shall on demand shew the same to the party, and permit a copy to be taken. 27 *Geo. II. c.* 20.

Constables must return lists of persons liable to serve in the militia. 26 *Geo. III. c.* 107. They must quarter and billet soldiers, and make provisions of carriages for troops on march. Vide *Annual Mut. Act.*

A constable may apprehend a person on reasonable suspicion of his being a deserter, and take him to a justice to be examined, and he is entitled to 20s. as a reward, to be paid under a justice's order by the collectors of land-tax. *Ibid.*

He should present all offences within his knowledge which concerns the peace at the leet, tourn, or quarter sessions. *Dalt. J. P.* 474.

He is not discharged from his office until his successor is sworn. 12 *Mod.* 256.

Of his Protection.

Action against a constable for any act done in the execution of his office, must be brought in the

county where offence committed: to which he may plead the general issue, and give the special matter in evidence, and if he recover he shall have double costs; this extends also to his deputy. *Cromp. J. P.* 201. 21 *Jac. I. c.* 12.

If constable or any person coming to his assistance be killed, it is murder, though the party killing did not know his person; but he must give competent notice of his being a constable, and he must be acting in his own district or division. 1 *Hale, P. C.* 9, 460-2. *Ld. Ray.* 1300-1.

If two men fight, and constable in attempting to part them get hurt, he shall have an action of trespass; but if he hurt them, they shall have no action. *Cromp. J. P.* 130.

Every man aiding a constable in the execution of his office, has by law the same protection as the constable. 2 *Hale, P. C.* 97.

A justice's warrant is a good justification of a constable in any matter within the jurisdiction of such justice, but not otherwise. *Str.* 711.

By 24 *Geo. II. c.* 44, no action to be brought against a constable for any thing done in obedience to a justice's warrant, until demand in writing of the perusal and copy of such warrant, and until the same has been neglected or refused for six days after demand: if after compliance such action is brought without making the justice a party, or producing and proving such warrant at the trial, the jury shall give a verdict for defendant; and if

the action is brought jointly against the justice and constable, on proof of the warrant the jury shall find for the constable. *s.* 6. Action is to be commenced within six months after the act committed. *s.* 8. but this act only extends to actions of tort; for where an action for money had and received was brought against an officer who had levied under a justice's warrant, and the conviction was quashed, it was held that a demand of a copy of the warrant was unnecessary. *Buller's N. P.* 24. And although this act affords protection in a civil suit, yet if the warrant be clearly illegal, the party may legally resist. *Ritson's Off.* 68. and if he acts without a warrant, he is not protected.

Constable's reasonable expenses of conveying persons to gaol to be ascertained and allowed by any justice of the county, who by warrant shall order the treasurer of the county to pay the same, except in Middlesex, where such expenses are to be paid by the overseers of the poor of the parish or place where the person was apprehended. 1 *Hale, P. C. c.* 96. 3 *Jac. I. c.* 10. 27 *Geo. II. c.* 3.

Constable making a distress under a justice's warrant, may deduct the reasonable expenses of taking, keeping, and selling the distress out of the produce of the sale. 27 *Geo. II. c.* 20.

Constable must every three months and within 14 days after he goes out of office, deliver to the overseers of the poor an account entered in a book and signed by him, of all sums received and ex-

pended on account of the parish, which overseers are within 14 days to lay the same before a vestry, and if approved, are to pay it out of the poors' rate; but if disallowed, are to deliver the book back to the constable, who may produce it to a justice of the peace, giving reasonable notice to the overseers, which justice may examine the account and settle the sum to be paid; and the overseers are to pay same out of the poors' rate, but may appeal on giving notice to the quarter sessions. 18 *Geo. III. c.* 19.

Many objections having been made to the charges made by constables to parishes for business done in execution of their office, it has been deemed expedient in many parishes to establish a reasonable table of fees to be paid to them. The following table has been adopted in several of the populous parishes in Middlesex, which has been sanctioned by the magistrates, subject to such alterations as particular circumstances may require.

Constables' Table of Fees.

	£.	s.	d.
For the Oath of Office	0	1	0
For the Service of any Warrant at the instance of the Parish, if served in the Parish	0	1	0
And for every Mile beyond the limits of the Parish, per Mile	0	0	6
If beyond the distance of five Miles, and not exceeding a Day's Journey	0	5	0
For every Journey of one Day or more, per Day, including Expenses	0	10	0
For attending the Bench of Justices at their Petty Sessions	0	1	6
The like at their General or Quarter Sessions, (including Expenses)	0	10	0
Attending the Coroner with Notice of a Death	0	4	6
Summoning a Jury, and attending the Inquisition	0	6	8
Expenses of Jury	0	10	0
Billeting of Soldiers	0	0	0
Pressing of Waggons for Soldiers' Baggage	0	0	0
Attending on a Search Night, or at a Fair, in the Parish	0	2	0
Attending to see that the Shops and Public Houses are shut during Divine Service	0	0	0
Attending on the Day of Election of a Member of Parliament, unless paid by the Candidate	0	5	0
For conveying a Felon or other Prisoner to Gaol, where the Parish is liable to pay the Expense (including Expenses)	0	10	0
Making the List of Jurors to return to the Quarter Session	0	0	0
Verifying the same	0	1	0
Making out a List of Persons to serve in the Militia or any other Military Force	1	1	0
Verifying the same	0	1	0
Summoning any Person ballotted in the Militia, &c.	0	1	0
Service of any Poors' Rate Summons	0	0	4
Attending as a Peace Officer within the Parish, on any Public Occasion, or at the Execution of any Sentence on any Criminal	0	2	6

Of his Punishment, &c.

By 33 *Geo. III. c.* 55, two justices at a special or petty session, on complaint on oath of neglect of duty by constable, and having summoned him to appear and answer such charge, may convict him in not exceeding 40s. to be levied by distress, to be applied to the poor of the parish or place where he was resident, and in default of payment, he may be committed to the house of correction for any time not exceeding ten days. *s.* 1. but appeal to quarter sessions allowed, on giving ten days notice.

A constable must at his peril take notice that his warrant is from one in the commission of the peace. 12 *Mod.* 347. and though his warrant be legal, if he is guilty of a misdemeanor in executing it, this makes the proceeding bad, *ab initio.* 12 *Mod.* 344.

He is indictable for neglecting his duty, either at common law or by statute. 1 *Salk.* 381. and may be fined for not endeavouring to pacify an affray in his presence. *Cromp. J. P.* 130. If he will not return his warrant or what he has done under it (for he ought to keep the warrant for his own justification), the sessions may fine him. 6 *Mod.* 83.

He is guilty of felony if he lets a felon out of the stocks. 1 *Hale, P. C.* 596.

He may be removed for just cause by the authority which appointed him. *Bulst.* 174.

And generally penalties are imposed upon constables for neglecting their duty, by the various acts of parliament under which their assistance is required, which penalties are noticed under the titles of the offences to which they refer.

High constable is a constable of a hundred, rape, lathe, or wapentake, or some other division of a county; he is as much the officer of justices of the peace as a petty constable; he is elected by the leet or tourn, or by the justices of the peace. 1 *Roll. Ab.* 535.

It is doubtful whether he can arrest for breach of the peace, or take surety of the peace by obligation. 1 *Salk.* 381. He may occasionally make a deputy, whose acts in his absence will be good. 1 *Black. Rep.* 350. He is removable for just cause by the justices of the peace. *Bulstr.* 174.

Two justices may order an allowance to be made to high constables for extraordinary expenses incurred in the execution of their duty. 41 *Geo. III. c.* 78, *s.* 2.

High constables are, if required, to account at the general or quarter sessions for the general county rate received by them, and pay over the money in their hands according to the order of the court. 12 *Geo. II. c.* 29, *s.* 8.

Their other duties are pointed out by particular

statutes, and will be found under the titles in which those acts are recited.

For award of costs to constables and the precedents of warrants of distress for costs, see title "*Costs.*"

Constable's Oath.

You shall swear that you will well and truly serve our Sovereign Lord the King, in the office of constable for the parish [or *township*] of —— within this county [*manor*, or *hundred*], for the year now next ensuing, or until you shall be therefrom discharged by due course of law:—You shall see the King's peace kept, and all such watch and ward as are usually accustomed and ought to be kept; and you shall well and truly execute all other things belonging to the said office, according to the best of your skill and knowledge.

So help you God.

Appointment of a Deputy.

I, C. D. constable of —— in the county of ——, do hereby make, substitute, and appoint G. H. of ——, yeoman, my true and lawful deputy in the office of constable, so long as I shall hold the same [or *during the continuance of my will and pleasure*]. Dated this —— day of ——, 1817.

Oath to be administered by Constable to Appraisers, on Goods being Distrained for Rent.

You shall swear that you will faithfully appraise and value the goods now taken in distress, and mentioned in the inventory to you shewn, as between buyer and seller, according to the best of your skill and knowledge.

So help you God.

Memorandum to be indorsed by the Constable on the Inventory.

Memorandum that on the —— day of ——, in the year of our Lord 1817, A. B. of ——, and C. D. of ——, two sworn appraisers, were sworn upon the Holy Evangelists, by me E. F. constable, well and truly to appraise the goods and chattels mentioned in the inventory, according to the best of their skill and knowledge, as witness my hand,

E. F. Constable.

Present at the time of swearing the said A. B. and C. D. as above, and witness thereto,

J. K.
L. M.

Proclamation by Constable for Rioters to disperse.

Our Sovereign Lord the King charges and commands all persons here assembled, immediately to disperse themselves, and peaceably depart to their several habitations on pain of imprisonment.

Obligation to be taken by a Constable for the Peace, under the Hand and Seal of the Party.

Know all men by these presents, that I, A. B. of ——, yeoman, am held and firmly bound to C. D. of ——, yeoman, constable of the parish of ——, in the sum of £——, to be paid to the said C. D. or his certain attorney, executors, administrators, or assigns, for which payment to be well and faithfully made I bind myself, my heirs, executors, and administrators firmly by these presents. Dated this —— day of ——, in the 57th year of the reign &c. and in the year of our Lord 1817.

The Condition of this obligation is such, that if the above bounden A. B. shall personally appear at the next general quarter sessions of the peace, to be holden at ——, in and for the county of ——, to do and receive what shall be then and

there enjoined by the court, and in the mean time shall keep the peace and be of good behaviour towards the King and all his liege subjects, and especially towards J. K. of —— in the said county, yeoman, then the said obligation to be void, or else to remain in full force.

Signed, sealed and delivered
in the presence of

Summons by a Constable in pursuance of a Justice's Precept.

To A. B. of &c.

—— to wit. In pursuance of a precept to me directed by S. P. Esq. one of His Majesty's justices of the peace in and for the county of ——, I do hereby summon and warn you personally to be and appear before the said S. P. Esq. [or *if general,*] or such other of His Majesty's justices of the peace for the said county of —— as shall be present at —— in the said county, on —— the —— day of ——, at the hour of —— in the ——noon, then and there to answer the complaint and information of —— [*state the offence as in the justice's precept*]. Herein fail not at your peril. Given &c.

Constable's Return on the back of the Precept.

The within —— was duly summoned to appear and answer as he is within required, on —— the —— day of ——, 1817.

D. E. Constable.

High Constable's Warrant for Petty Constable's presentment.

To the Constable of ——.

—— to wit. By virtue of the laws of this realm in that behalf made, you are hereby required, in His Majesty's name, to make out a presentment in writing, of all treasons, misprisions of treasons, insurrections, rebellions, counterfeitings, clippings, washings, false coinings, and other falsities of the money of Great Britain, and of other kingdoms and dominions whatsoever, and of all murders, felonies, manslaughters, killings, burglaries, rapes of women, unlawful meetings and conventicles,

unlawful uttering of words, assemblies, misprisions, confederacies, false allegations, trespasses, riots, routs, retentions, escapes, contempts, falsities, negligences, concealments, maintenance, oppressions, champerty, deceits, and all other evil doings, offences, and injuries whatsoever; and also the accessaries of them: by whomsoever, and in what manner soever done, committed, or perpetrated, within your constablewick, and of all vagrants, and idle and disorderly persons. Which said presentment so made in writing as aforesaid, and signed by you, you are to deliver to me at —— in the said ——, on ——, that I may have the said presentment ready to be delivered to His Majesty's justices —— to be holden for the said ——. Herein fail you not.

Given under my hand, this —— day of ——, in the year of our Lord 1817.

High Constable.

Constable's Return to a Precept directed to him.

At a Special Sessions held at the —— in —— in the said county, on —— the —— day of ——, 1817.

—— to wit. I A. B. constable of the —— of —— in the hundred of —— in the said county, do make this my return, upon oath, to His Majesty's justices of the peace this day assembled in sessions, that I have duly executed my precept to me directed, and that there is not, to the best of my knowledge and belief, any thing presentable within my constablewick [or *if any matter presentable state the particulars*].

A. B. Constable.

Sworn before me,
S. P.

Summons of a Constable to answer a Complaint for disobeying a Justice's Warrant.

To A. B. Constable of the parish of —— in the county of ——.

—— to wit. Whereas S. P. Esq. one of His Majesty's justices of the peace in and for the said county, hath made complaint on oath, before us W. S. and J. C. Esquires, two

other of His Majesty's justices of the peace in and for the said county, this day in petty sessions assembled, at —— in the said county, for that you, on the —— day of ——, at the parish of —— aforesaid, in the county aforesaid, in the execution of your office of one of the constables of the said parish, was guilty of neglect in disobeying and refusing to execute, in the parish aforesaid, the lawful warrant of the said S. P Esq. commanding you to apprehend and take before the said S.P. Esq. at —— aforesaid, the body of one G. H. charged on oath before the said S. P. with [*state the charge*], the said G. H. then being in the said parish of —— in the said county of ——. These are therefore to command you to appear before us, at a petty session to be holden at —— in the county of ——, on ——, the —— day of —— next, to answer unto the said complaint, and to shew cause why you should not be fined 40s. for your said offence.

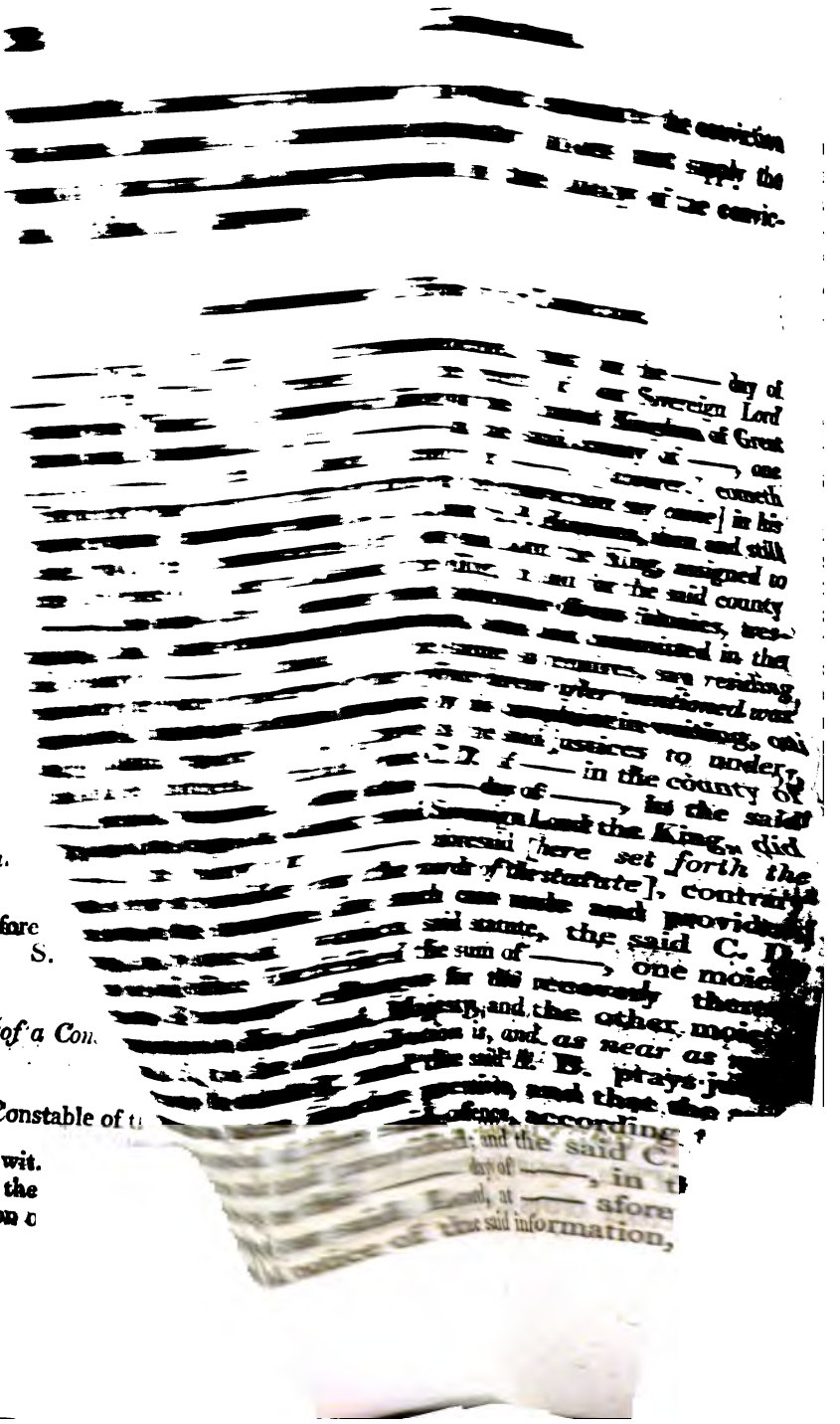
Given under our hands &c.

Warrant for an Assault on a Constable.

To A. B. Constable of the parish of —— in the county of ——, and to all other His Majesty's Constables and Peace Officers within the said county.

—— to wit. Whereas C.D. hath this day made complaint, on oath, before me S. P. Esq. one of His Majesty's justices of the peace in and for the said county, that E. F. of —— in the said county, [*labourer,*] on the —— day of —— last, at the parish aforesaid, in the county aforesaid, in and upon him the said C. D. did make a violent assault, and then and there beat, wounded, and ill-treated him the said C. D. then being one of the constables of the said parish of ——, and then and there also being in the due execution of his said office as constable aforesaid. These are therefore to command you the said constable, in His Majesty's name, forthwith to apprehend the said E. F. and bring him before me, at ——, to answer the said complaint, and to be further dealt with according to law.

Given under my hand and seal, &c.



the offence therein charged upon him as aforesaid, and was then and there, by us the said justices, in due manner summoned to appear before us the said justices at —— in the county of —— aforesaid, on the —— day of ——, in the said 57th year of the reign of our said Sovereign Lord the King, in order to make his defence against the said charge contained in the information aforesaid; and thereupon afterwards, that is to say, on the said —— day of ——, in the 57th year of the reign of our Sovereign Lord the King, at —— in the county of —— aforesaid, he the said C. D. being duly summoned as aforesaid in this behalf, before us the justices aforesaid, appeareth and is present, in order to make his defence against the said charge contained in the said information; and having heard the same, he the said C. D. is asked by us the said justices, if he can say any thing for himself, why he should not be convicted of the premises above charged upon him, in form aforesaid; and thereupon he saith, that he is not guilty of the said offence [*or pleadeth and saith that—as the defence may be*], whereupon we, the said justices at the same time and place, that is to say, on the said —— day of ——, in the year aforesaid, at —— aforesaid, within the said county of ——, do proceed to examine into the truth of the said complaint contained in the said information, in the presence and hearing, as well of the said A. B as of the said C. D. and thereupon on the same day and year last mentioned, at —— aforesaid, in the county aforesaid, W. W. a credible person in this behalf comes in his proper person, before us the said justices, to prove the said charge contained in the said information against the said C. D. and is now here, by us the said justices, sworn, and does before us the said justices, take his corporal oath upon the holy gospel of God, to speak the truth, the whole truth, and nothing but the truth, of and concerning the matters contained in the said information; We, the said justices, having administered, and having sufficient power and competent authority to administer such oath to him, in that behalf, and the said W. W. being so sworn, doth, on his said oath, say and depose, in the presence and hearing of the said C. D. that the said C. D. on the said —— day of —— in the said 57th year of the reign of our said Sovereign Lord the King, at —— aforesaid, in the county aforesaid, did [illegible] the said C. D. does not produce any evidence to the contrary; whereupon [illegible] aforesaid; wherefore [illegible] having heard the whole matter, it [illegible] appears to

Commitment of a Constable for a wilful Escape.

To the Keeper of the County Gaol at ——.

—— to wit. Receive into your custody in the said county gaol, and there safely keep until the next general quarter sessions of the peace, to be holden in and for the said county, or until thence otherwise delivered by due course of law, the body of A. B. one of the petty constables of the parish of —— in the said county, herewith sent you, and charged before me, S. P. Esq. one of His Majesty's justices of the peace in and for the said county, on the oath of C. D. with having this day wilfully and designedly suffered and permitted one G. H. to escape out of his custody and go at large, at the parish aforesaid, in the county aforesaid, the said G. H. having been committed to the custody of him the said A. B. as such constable as aforesaid, by virtue of a warrant under my hand and seal, for felony, to be conveyed by him to the county gaol at ——.

Given under my hand and seal, &c.

CONVICTION.

A conviction by a justice, (unless a particular form given by statute), should state the day when it was taken, the name of the informer, the place where the information was taken, and should be in the present tense, the name and stile of the justice, and on oath, (if statute require it), the time when, and place where the offence was committed, and the nature of the offence; that the party was summoned, that the service of the summons appeared on oath, and the name of the witness, that it may appear that he is not the informer; for an informer

who participates in the penalty is not allowed to be a witness, except a statute specially direct it. 2 *Ld. Ray.* 1545. 1 *Str.* 316.—It should state the entire evidence, and not the result of it. 2 *Str.* 910. that the defendant was present, (if so), or had neglected to appear to the summons. It must also adjudge the forfeiture in precise terms, and the distribution of it, whether by particular statute, or in the justice's discretion; and where any act authorizes justices to award costs, the amount of such costs must appear in the conviction. 1 *East's Rep.* 189. an award of costs "as to certain other persons shall seem reasonable" is bad, for an authority of this kind cannot be delegated. 13 *East*, 57, *note*. It must be dated, and under the hand and seal of the justice, and defendant is entitled to a copy of it. 3 *Burr.* 1720. K. *v.* Midlam. Though by the decision in *East's Rep.* 186, justices are not obliged to give parties copies of their conviction.

Justices should return all convictions to the sessions, whether appealed against or not. 2 *T.R.* 285. but it is not necessary that they should be drawn up *instanter*, and if done so, and the incorrectness appears before the time necessary to file them, *viz.* the next session, the justice may alter or substitute another conviction, and the defendant cannot take any advantage of it, though he had a copy of the original conviction. *Hil. Term*, 41 *Geo. III. East*, 186. The county mentioned in the margin of a conviction does not indicate where the offence was

committed, but only in what county the conviction was made, and consequently does not supply the want of that allegation in the body of the conviction. 8 *Mod.* 309.

General Form of a Conviction.

—— to wit. Be it remembered, that on the —— day of ——, in the 57th year of the reign of our Sovereign Lord George the Third, now King of the United Kingdom of Great Britain and Ireland, at —— in the said county of ——, one A. B. of —— in the said county of ——, [*labourer,*] cometh [if on a day prior to the date of the conviction say *came*] in his proper person before us J. C. and S. P. Esquires, then and still being two of the justices of our said Lord the King, assigned to keep the peace of our Lord the King, in and for the said county of ——, and also to hear and determine divers felonies, trespasses, and other misdemeanors, done and committed in the said county of —— [and if the statute so requires, say *residing nearest to the place where the offence herein after mentioned was committed*], and then and there by his complaint in writing, on oath [*if statute require it*], gave us the said justices to understand and be informed, that one C. D. of —— in the county of —— aforesaid, yeoman, on the —— day of ——, in the said 57th year of the reign of our said Sovereign Lord the King, did at —— in the county of —— aforesaid [*here set forth the offence as near as possible in the words of the statute*], contrary to the form of the statute in such case made and provided, whereby, and by force of which said statute, the said C. D. hath for his said offence forfeited the sum of ——, one moiety thereof and all necessary charges for the recovery thereof being first deducted to His said Majesty, and the other moiety to the said A. B. [or *as the distribution is, and as near as may be in the words of the statute*], and the said A. B. prays judgment of us the said justices in the premises, and that the said C. D. may be convicted of the said offence, according to the statute in that case made and provided; and the said C. D. afterwards, that is to say, on the —— day of ——, in the said 57th year of the reign of our said Lord, at —— aforesaid, in the county aforesaid, had notice of the said information, and of

the offence therein charged upon him as aforesaid, and was then and there, by us the said justices, in due manner summoned to appear before us the said justices at —— in the county of —— aforesaid, on the —— day of ——, in the said 57th year of the reign of our said Sovereign Lord the King, in order to make his defence against the said charge contained in the information aforesaid; and thereupon afterwards, that is to say, on the said —— day of ——, in the 57th year of the reign of our Sovereign Lord the King, at —— in the county of —— aforesaid, he the said C. D. being duly summoned as aforesaid in this behalf, before us the justices aforesaid, appeareth and is present, in order to make his defence against the said charge contained in the said information; and having heard the same, he the said C. D. is asked by us the said justices, if he can say any thing for himself, why he should not be convicted of the premises above charged upon him, in form aforesaid; and thereupon he saith, that he is not guilty of the said offence [or *pleadeth and saith that—as the defence may be*], whereupon we, the said justices at the same time and place, that is to say, on the said —— day of ——, in the year aforesaid, at —— aforesaid, within the said county of ——, do proceed to examine into the truth of the said complaint contained in the said information, in the presence and hearing, as well of the said A. B. as of the said C. D. and thereupon on the same day and year last mentioned, at —— aforesaid, in the county aforesaid, W. W. a credible witness in this behalf comes in his proper person, before us the said justices, to prove the said charge contained in the said information against the said C. D. and is now here, by us the said justices, sworn, and does before us the said justices, take his corporal oath upon the holy gospel of God, to speak the truth, the whole truth, and nothing but the truth, of and concerning the matters contained in the said information; We, the said justices, having administered, and having sufficient power and competent authority to administer such oath to him, in that behalf, and the said W. W. being so sworn, doth, on his said oath, say and depose, in the presence and hearing of the said C. D. that the said C. D. on the said —— day of ——, in the said 57th year of the reign of our said Sovereign Lord the King, at —— aforesaid, in the county aforesaid, did [*here set forth the evidence*], and the said C. D. does not produce any evidence to contradict the proof aforesaid; whereupon, and upon hearing and duly examining the whole matter, it manifestly appears to

us the said justices, that the said C. D. is guilty of the offence charged upon him by the said information. It is therefore considered and adjudged by us the said justices, that the said C. D. be convicted, and he is accordingly convicted of the offence charged upon him in and by the said information; and we do hereby adjudge that the said C. D. for the said offence hath forfeited the sum of £——, of lawful money of the United Kingdom of Great Britain and Ireland, current within the realm of Great Britain, to be distributed as follows, that is to say [*pursue the directions of the statute*; or, *that the said C. D. for the said offence be committed &c. pursuing the words of the statute, if the punishment be by imprisonment*]. In witness whereof, we the said justices to this present record of conviction have set our hands and seals, at —— aforesaid, in the county aforesaid, the said —— day of ——, in the 57th year of the reign of our said Sovereign Lord the King.

If the Defendant, having been summoned, neglects to appear, say,

And afterwards, on the —— day of ——, in the said 57th year of the reign of our said Lord the now King, at —— aforesaid, in the county aforesaid, he the said C. D. had notice of the said information and of the offence therein charged upon him as aforesaid, and was then and there, in pursuance of our summons in that behalf issued, duly summoned to appear before us the said justices, at —— aforesaid, in the county aforesaid, on this present —— day of ——, in the said 57th year of the reign of our said sovereign Lord the King, in order to make his defence against the said charge contained in the information aforesaid; and the said C. D. neglecting to appear here before us in consequence of our said summons, and not making any defence to the said charge contained in the said information, we the said justices do now proceed to examine into the truth of the said complaint contained in the said information, W. W. a credible witness in this behalf now here appearing before us, being such justices as aforesaid, as a witness to prove the said charge contained in the said information against the said C. D. is now here by us duly sworn, and does before us the said justices take his corporal oath, [*as in the last precedent*].

Or, *if the Party confesses the Charge, say,*

And because the said C. D. hath nothing to say, or can say any thing in his own defence, touching and concerning the premises aforesaid, but doth, of his own accord, freely and voluntarily acknowledge and confess all and singular the said premises to be true, in manner and form as the same are charged upon him in the said information, and because all and singular the premises being heard and fully understood by us the said justices, it manifestly appears to us that [*as before*].

Form of mitigating Penalty, with award of Costs out of mitigated Penalty.

After the formal part of the Conviction say,

And we do award and adjudge, that the said A. B. hath forfeited for his said offence the sum of £—— of lawful money of Great Britain, the one moiety thereof to the use of our Sovereign Lord the King, and the other moiety thereof to the use of C. D. the said informer [or *as the statute directs*], according to the form of the statute in that case made and provided; and we the said justices seeing cause to mitigate and lessen the said penalty, do, at the request of the said defendant, according to the statute, mitigate and lessen the same to the sum of £——, over and above the costs and charges of the said informer, by him laid out and expended in and about the said information and conviction, to be distributed and go and be applied one moiety thereof to the use of our said Lord the King, and the other moiety thereof to the said C. D. the said informer, and which said costs and charges of the said C. D. the said informer, we the said justices do allow, assess, and adjudge to him, with his assent, at the sum of £—— of like lawful money, according to the form of the statute in that case made and provided. In witness whereof, &c.

Notice of Appeal against a Conviction of two Justices.

To J. C. and S. P Esquires, two of His Majesty's Justices of the Peace in and for the county of ——.

TAKE NOTICE that I intend, at the next general quarter sessions of the peace to be holden in and for the county of ——, to enter and try an appeal against a certain conviction under your hands and seals, bearing date the —— day of ——, 1817, whereby I am convicted of [*state the particulars of the offence*], and the cause of my appeal is that I have been convicted upon illegal and insufficient evidence, and that the said conviction is illegal and informal, inasmuch that it omits to specify the time and place when and where the supposed offence was committed:—And further take notice that I shall attend you the said J. C. Esq. at your house at —— in the said county, to-morrow at 12 o'clock at noon, with two sufficient sureties, to enter into such recognizance as is by law required, and the names of my sureties are A. B. of ——, yeoman, and C. D. of ——, labourer.

G. H.

CORDAGE FOR SHIPPING.

Cordage inferior to Petersburgh hemp, to be deemed *inferior cordage*, and quality to be distinguished by manufacturer, under penalty of 20s. for every 100lb. weight; and maker's name to be affixed, on a penalty of 10s. for every 100lb. weight. 25 *Geo. III. c.* 56, *s.* 3, 4; and penalty for putting a false name, £20. *s.* 5.

Making cables of old stuff, above seven inches in circumference, to forfeit four times their value. *s.* 6. and for importing foreign cordage without paying the duty, 20s. for every 100lb. weight, and cordage forfeited. *s.* 8.

The penalties not exceeding £5. may be levied by distress by one justice, on oath of two witnesses; or *if* no distress, commitment for not more than three calendar months, nor less than seven days, the whole penalty to the party who shall sue.—Appeal allowed to sessions, on giving fourteen days notice, and entering into recognizance to try it. *s.* 11.

By 39 and 40 *Geo. III. c.* 89, *s.* 11, a justice of the peace may, on oath of one witness, authorize a peace officer to search [*in the day time*], houses, &c. where King's stores are supposed to be concealed, and if stores marked as such, are found, may commit, bind over, &c.

Persons appointed by commissioners of the navy may detain craft suspected of having stolen articles on board, apprehend suspicious persons, and take them and the articles before a justice; if no satisfactory account can be given of them, they shall be forfeited, and the person be deemed guilty of a misdemeanor. *s.* 12, 13. Forfeited articles to be returned to the King's stores. *s.* 14.

Craft adjudged to be forfeited may be ordered to be sold by a justice, half the produce to be paid to *His* Majesty, and half to the informer. *s.* 15.

Persons adjudged guilty of a misdemeanor, under this act, to forfeit 40*s.* for first offence, £5. for the second, and £10. for every subsequent one, to be recovered by distress, or in default, commitment for three calendar months. *s.* 16. and adjudications to be certified to sessions. *s.* 17.

A justice may determine offences in a summary way, where the value of the stores does not exceed 20s. and on information within three months, may apprehend the party, and summon witnesses; on proof on oath of one witness, may give judgment, and levy £10. by distress, half to the King, and half to the informer, or, in default, commit for three months; the fine of £10. may be mitigated not less than half, with costs. *s.* 19.

Informer to receive from treasurer of the navy £5. in the event of offender being imprisoned instead of fined, on certificate from the justice who committed; but no proceeding to be had before a justice, without the consent in writing, of a commissioner of the navy. *s.* 20.

Appeal allowed to the sessions, if stores under the value of 20s. on entering into recognizance for treble the value. *s.* 21.—Conviction to be filed at sessions, and witnesses not attending summons, to forfeit £10. *s.* 23. to be recovered in the same manner as fines on summary conviction under this act. *s.* 23. Justices to have the same protection under this act as given by 24 *Geo. II. c.* 44, or any other act.

By 54 *Geo. III. c.* 60, the provisions and penalties of 9 and 10 *Wm. III. c.* 41, and 39 and 40 *Geo. III. c.* 89, are extended to cordage worked with one or more worsted threads.

Form of Conviction.

Be it remembered, That on the —— day of ——, *in* the year of our Lord 1817, A. B. of &c. was convicted before me, W. S. Esq. one of His Majesty's justices of the peace acting in and for the county of ——, for that he the said A. B. on the —— day of —— now last past, at the parish of —— in the said county of ——, did [*state the offence*], contrary to the statute in that case made and provided.

Given under my hand and seal &c.

CORN.

Selling corn by any other than Winchester measure incurs a penalty of 40*s.* on conviction before one justice, on the oath of one witness, to be levied by distress, and in default commitment till paid. 22 *Car. II. c.* 8, *s.* 2. and forfeiture of the corn so bought or sold, or the value thereof, to the complaining party. 22 and 23 *Car. II. c.* 12, *s.* 2, proof to lie on the owner; and if he cannot prove by the oath of one witness, that the corn was lawfully bought or sold, he shall forfeit as before, to be levied by distress and sale; one half to the poor and the other to the informer. *s.* 3.

Persons convicted of cutting growing corn shall for the first offence pay such recompense as justice shall appoint, and if not able, then to be whipped. 43 *Eliz. c.* 7, *s.* 1, 2. but if they cut it at one time and take it away at another, it is felony. 1 *Haw. c.* 33, *s.* 21. Burning corn by night or day is made felony without clergy, by 9 *Geo. c.* 22.

By 31 *Geo. III. c.* 30, justices in sessions may

appoint corn inspectors, and dealers in corn are to give in weekly accounts to such inspectors, of the quantity bought by them, and by what measure, under a penalty of from 40s. to £10. every such dealer in corn to make a declaration in writing to a justice, within one calendar month after he commences dealer, of the truth of his returns, conformable to the act, and if he buys without making the said declaration, he shall forfeit as last mentioned. Inspector is to enter in a book the quantity and prices of corn, under a penalty of £20. and he shall also return to receiver of corn returns, on Tuesday in each week, an account of the weekly quantity and prices of corn sold and delivered in the city or town for which he is inspector, under penalty of £10. *s.* 54, but not to make the book public without an order from a justice. Penalties recoverable by distress before two justices, whose determination is to be final. *Ibid.*

Persons violently or maliciously hindering the buying of corn, or seizing any meal, &c. on conviction before two justices, shall be committed to hard labour from one to three months, 11 *Geo. II. c.* 22, *s.* 1. 36 *Geo. III. c.* 9, *s.* 1. and for second offence shall be transported for seven years. *s.* 2.

The acts regulating the importation and exportation of corn &c. are 31 *Geo. III. c.* 30.—33 *Geo. III. c.* 65.—44 *Geo. III. c.* 109.—45 *Geo. III. c.* 86.—46 *Geo. III. c.* 11, 97.—47 *Geo. III. c.* 7. —50 *Geo. III. c.* 19.—51 *Geo. III. c.* 14.—53 *Geo. III. c.* 38.—54 *Geo. III. c.* 69. and 55 *Geo. III. c.* 26.

Information for stopping and seizing a Waggon loaded with Wheat on the way to Market.

—— to wit. Be it remembered, That on the —— day of ——, at the town of —— in the county aforesaid, A. B. of the said town of —— [*labourer*,] in his proper person cometh before us W. S. and S. P. Esquires, two of His Majesty's justices of the peace in and for the said county, and upon his oath giveth us the said justices to understand and be informed, that this day, about the hour of ten in the forenoon, C. D. of the said town of ——, [*labourer*] and E. F. of the same place, spinster, together with divers other evil disposed persons, whose names are to the said A. B. as yet unknown, on the King's high road, in the said town and county, unlawfully and riotously did stop and seize a waggon loaded with wheat, the property of him the said A. B. and six horses drawing the same to the market in the town of —— in the county aforesaid, against the form of the statute in such case made and provided; wherefore the said A. B. prayeth the judgment of us the said justices in the premises, and that such proceedings may be had as the aforesaid statute doth direct and appoint.

Warrant for a Person preventing the buying or free circulation of Corn.

To the Constable of ——.

—— to wit. Whereas information and complaint hath been made unto us W. S. and S. P. Esquires, two of His Majesty's justices of the peace in and for the said county, upon the oath of A. B. of —— in the said county, that C. D. of —— in the said county, [*labourer*] did on the —— day of ——, at —— in the said county, wilfully and maliciously beat, wound, and use other violence [or *as the case may be*] to him the said A. B. with intent to hinder him from buying corn in the market of —— [or *as the case may be*], contrary to the statute in that case made and provided; These are therefore in His Majesty's name to command you forthwith to apprehend the said C. D. and to bring him before us the said justices, to answer the said

complaint, and to be further dealt with according to law.—Herein fail you not.

Given under our hands and seals this —— day of ——, 1817.

W. S.

S. P.

The conviction may be made according to the general form under title "*Conviction.*"

Commitment.

To the Constable of ——.

—— to wit. Whereas C. D. of —— in the said county, [*labourer*], hath this day been duly convicted before us W. S. and S. P. Esquires, two of His Majesty's justices of the peace in and for the said county, upon the oath of A. B. of —— in the said county, yeoman, for that he the said C. D. on the —— day of —— now last past, at —— in the said county, did wilfully and maliciously beat, wound, and use other violence to him the said A. B. with intent to hinder him from buying corn in the market of —— [or *as the case may be*], contrary to the statute in that case made and provided; These are therefore to command you the said constable to convey the said C. D. to the house of correction at —— in the said county, and to deliver him to the keeper thereof, together with this precept: And we do also hereby command you the said keeper of the said house of correction to receive the said C. D. into your custody in the said house of correction, and him there safely keep to hard labour for the space of [*not more than three, nor less than one month*]; And we do further order that you the said keeper do publicly and openly whip the said C. D. in the said town of —— in the said county, on the —— day of —— next, between the hours of —— and —— of the same day. Herein fail you not.

Given under our hands and seals, the —— day of ——, &c.

W. S.

S. P.

Conviction for buying Corn by a Measure different from the Winchester Measure.

—— to wit. Be it remembered, That on the —— day of ——, in the year of our Lord 1817, at —— in the said county

of ——, A. B. of —— aforesaid, in the said county, gentleman, cometh before us, W. S. and S. P. Esquires, two of His Majesty's justices of the peace in and for the said county, and giveth us the said justices to understand and be informed, that C. D. of —— in the county aforesaid, yeoman, on the —— day of ——, in the said year of our Lord 1817, at the parish of —— in the said county of ——, did unlawfully buy of and from one E. F. a certain quantity of wheat corn, containing several, to wit, ten bushels, in a different manner than by any bushel or measure agreeable to the standard marked in His Majesty's Exchequer, commonly called the Winchester measure, containing eight gallons to the bushel, and no more nor less, contrary to the form of the statute in that case made and provided, whereby, and by force of the statute in that case made and provided, the said C. D. hath incurred the several penalties and forfeitures thereunto annexed; and thereupon afterwards, on the —— day of ——, in the said year of our Lord 1817, the said C. D. being duly summoned to answer the charge aforesaid, personally appears for that purpose at —— aforesaid, in the county aforesaid, before us the said justices, and having heard the said information, and being asked if he can say any thing for himself, why he should not be convicted of the premises above charged upon him, the said C. D. admits that he the said C. D. on the —— day of ——, in the year of our Lord 1817, at the parish of —— aforesaid in the county aforesaid, did buy of the said E. F. the said quantity of wheat in the said information mentioned; but the said C. D. further says, that he is not guilty of the said offence charged upon him in and by the said information, and therefore the said C. D. is asked by us the said justices, if he has or can produce any evidence to shew that he bought the said wheat by any bushel or measure agreeable to the standard marked in His Majesty's Exchequer, commonly called the Winchester measure, but the said C. D. doth not offer any evidence touching the premises, nor doth he require any time for that purpose; whereupon it appearing to us the said justices, that the said C. D. is guilty of the premises charged upon him in and by the said information, therefore it is adjudged by us the said justices, that the said C. D. be convicted and he is hereby accordingly convicted by us of the offence charged upon him as aforesaid; and we do further adjudge that the said C. D. hath, for his said offence, forfeited the sum of £10. being the value of the said wheat so bought

by him as aforesaid, to be applied and distributed according to law; and we do also adjudge that the said C. D. hath also forfeited for his said offence the further sum of 40s. to be distributed according to law; and we do also further adjudge that the said C. D. do forthwith pay to the said A. B. the sum of 20s. for his costs in and about the premises. In witness whereof we have, to this record of conviction, set our hands and seals at —— aforesaid, in the county aforesaid, this —— day of ——, in the year of our Lord 1817.

W. S.
S. P.

COSTS.

Justices may award costs out of sessions to or against any party complaining; if such costs are not paid, the same may be levied by distress; and if no distress, may commit to hard labour for not exceeding one month, nor less than ten days, or till the costs are paid. 18 *Geo. III. c.* 19, *s.* 1. provided the penalty does not amount to £5. But where the penalty shall amount to or exceed £5. the costs to be deducted from the penalty, so that the deduction shall not exceed one fifth of the penalty. *s.* 5.—Justices in sessions may, from time to time, regulate the costs to be allowed to any person by virtue of this act. *s.* 9.

The warrant of distress for costs must be issued by the same justice or justices who determined the complaint and awarded the costs.

Award of Costs, under 18 Geo. III. c. 19.

—— to wit. I W. S. one of His Majesty's justices of the peace in and for the county aforesaid, in pursuance of an act made in the 18th year of His Majesty King George the Third,

intituled "An Act for the Payment of Costs to Parties on Complaint determined before Justices of the Peace out of Sessions; for the Payment of the Charges of Constables in certain Cases; and for the more effectual Payment of Charges to Witnesses and Prosecutors of Larceny, or other Felony;" on the complaint of [*state the name of the party, and the offence generally*], which said complaint was heard and determined by me, on the —— day of ——, do award the following costs to be paid by A. B. viz. [*here state the costs*].

Given under my hand and seal, &c.

W. S.

Warrant of Distress and Sale.

To the Constable of ——, and to all other His Majesty's Constables in and for the said ——

—— to wit. Whereas I W. S. one of His Majesty's justices of the peace in and for the county aforesaid, in pursuance of an act made in the 18th year of His Majesty King George the Third, intituled "An Act for the Payment of Costs to Parties, on Complaints determined before Justices of the Peace out of Sessions; for the Payment of the Charges of Constables in certain Cases; and for the more effectual Payment of Charges to Witnesses and Prosecutors of any Larceny or other Felony;" have awarded on the —— day of ——, on the complaint of A. B. against C. D. for [*state as the case is*], the following costs to be paid by C. D. *viz.* the sum of ——.

And whereas the said C. D. being ordered by me the said justice to pay such sum as aforesaid, hath not paid down or given security for the same, to the satisfaction of me the said justice; These are, therefore, to command you and each and every of you, to levy the said sum of —— by distress and sale of the goods and chattels of the said C. D. And I do hereby order and direct the goods and chattels so to be distrained, to be sold and disposed of within —— days, unless the said sum of —— for which such distress shall be made, together with the reasonable charges of taking and keeping such distress, shall be sooner paid; and you are hereby also commanded to certify unto me what you shall have done by virtue of this my warrant.

Given under my hand and seal at ——, the —— day of ——, in the year of our Lord 1817.

Constable's Return for want of Distress, to be indorsed.

—— to wit. I G. H. constable of ——, do hereby certify to W. S. Esq. justice of the peace in and for the county aforesaid, that I have made diligent search for, but do not know of, nor can find, any goods and chattels of C. D. by distress and sale whereof I may levy the sum of ——, pursuant to his warrant for that purpose dated the —— day of ——, 1817.

Given under my hand this —— day of ——, in the year of our Lord 1817.

Commitment thereon.

To the Constable of ——, and also to the Keeper of the House of Correction at —— in the said ——.

—— to wit. Whereas in pursuance of an act made in the 18th year of His Majesty King George the Third, intituled "An Act for the Payment of Costs to Parties, on Complaints determined before Justices of the Peace out of Sessions; for the Payment of the Charges of Constables in certain Cases; and for the more effectual Payment of Charges to Witnesses and Prosecutors of any Larceny or other Felony; I W. S. one of His Majesty's justices of the peace in and for the said county, did issue my warrant of distress and sale, directed to the constable of the said —— of ——, ordering the said constable to levy the sum of ——, by distress and sale of the goods and chattels of C. D. in manner and form as therein is mentioned.

And whereas it appears to me by the return of the said constable, dated the —— day of —— last, that he hath made diligent search, but doth not know of, nor can find, any goods and chattels of the said C. D. by distress and sale whereof the said sum of —— may be levied, pursuant to the said warrant.

These are, therefore, to command you the said constable of —— to apprehend the said C. D. and convey him to the said house of correction, and to deliver him there to the said keeper of the said house of correction; And these are also to command you the said keeper of the said house of correction, to receive the said C. D. into the said house of correction, and there to keep him to hard labour for the space of —— from the date

hereof, or until such sum, together with the expenses attending his commitment to the house of correction, be first paid, or until he be discharged by due course of law.

Given under my hand and seal at ——, the —— day of ——, in the year of our Lord 1817.

W. S.

Order on Overseers [if in Middlesex], *or Treasurer of the County* [if in any other county], *to reimburse Expenses of conveying a Prisoner to Gaol*, by act 27 Geo. II. c. 3, s. 1.

To the Treasurer of the county of —— [or *to the Overseers of the Poor of the parish or place of* ——], in the county of Middlesex.

—— to wit. Whereas application has been this day made to me, one of His Majesty's justices of the peace in and for the said county, by A. B. one of the constables of the parish of —— in the said county, to allow the reasonable expenses of his conveying C. D. to the common gaol at —— in the county aforesaid, who was by me committed to the said gaol, for [*state the crime*].

And it having been duly made appear to me, the said justice, that the said C. D. hath not money nor goods within the said county, sufficient to bear the charges of himself, and those who conveyed him to the said gaol; and I having, upon oath, examined into the expenses thereof, and made due inquiry into the premises, do hereby ascertain and allow the reasonable expenses thereof at the sum of ——, which I hereby order and require you, the treasurer of the said county [or *overseers*], forthwith to pay to the said A. B.

Given under my hand and seal this —— day of ——, in the year of our Lord 1817.

W. S.

COTTON AND WOOLLEN MILLS.

By 42 *Geo. III. c.* 73, justices for every riding, division, or place in which any cotton or other mill or factory is situated, shall at the Midsummer sessions appoint two persons not connected with such

mills, as visitors thereof, one of whom shall be a justice of the peace, and the other a clergyman; such visitors to inspect the same and report in writing to the sessions the state and condition of such mills and factories; justices may divide such county into districts, appoint two visitors to each. *s.* 9. any person opposing or obstructing such visitors, to forfeit not more than £10. nor less than £5. *s.* 11. Every master or mistress of such mill or factory offending against this act, to forfeit for such offence (unless otherwise directed) not more than £5. nor less than 40*s.* at the discretion of the justice before whom offender shall be convicted; half the penalty to the informer and half to the poor: such information to be laid within one calendar month after offence committed. *s.* 13.

All offences under this act for which any penalty is imposed, may be heard and determined by two justices acting for the place where offence committed, and all penalties and costs of conviction may be levied by distress, on conviction or confession on oath of one witness; in default of distress, offender may be committed to the common gaol or house of correction for any time not exceeding two calendar months, unless penalty sooner paid; but no warrant of distress to issue until six days after conviction, and until an order shall be made on such offender for payment. No conviction to be removed by *certiorari*. *s.* 15.

Conviction.

—— to wit. Be it remembered, That on the —— day of ——, in the year ——, A. B. was, upon the complaint of C. D. convicted before —— of the justices of the peace for the said county of —— [or *for* —— *of or in the said county of* ——, *as the case shall be*], in pursuance of an act passed in the 42nd year of the reign of His Majesty King George the Third, for [*as the case may be*].

Given under our hands and seals the day and year above written.

See also "MANUFACTURERS."

COUNTY RATE

To be made by justices at their general or quarter sessions; the high constable to collect the rate from the churchwardens and overseers, and if not paid within thirty days after demand, in writing, either delivered to them, left at their houses, or affixed to the church door, the rate may be levied by distress and sale of the goods of such churchwardens or overseers, by warrant of two or more justices residing near the parish or place. 12 *Geo. II. c.* 29, *s.* 2. and the receipt of the high constable to be a sufficient discharge: where there is no poors' rate, the sum assessed to be rated and levied by petty constable or other peace officer, in the same manner as poors' rates are rated and levied. *s.* 3.

The high constable at or before next sessions, after he has received the money, to pay the same to the county treasurer, and deliver, [*if required*], an ac-

count on oath to the justices at their quarter sessions; if he neglects or refuses to demand and levy the rate, or to account, he may be committed by the justices at the sessions for such contumacy until he obeys; and he may also be committed for neglecting or refusing to pay over to the treasurer the balance in his hands. *s.* 8.

Churchwardens and overseers may appeal against the rate to the next general or quarter sessions.

The general application of county rates is stated in the high constable's warrant.

By 55 *Geo. III. c.* 51, to amend the act of 12 *Geo. II. c.* 29, it is enacted, Justices at general or quarter sessions may require parish officers to make returns of the annual value of rateable property. *s.* 2. to be verified on oath; and justices of division are required to receive such returns. *s.* 3. and officers making default, to forfeit not exceeding £20. to be levied by distress and sale. *s.* 4.

If default is made in making the returns required by the precept of the general or quarter sessions, the justices of division may issue precepts for that purpose, and a penalty not exceeding £20. is incurred by the officers neglecting to obey such precept. *s.* 5.

Parishes may be assessed by the general or quarter sessions, though no return made, or if not made in due time. *s.* 6.

Justices at general or quarter sessions, or justices of divisions in places where there are no poors'

rate levied, or overseers appointed, may appoint an overseer or overseers for the special purposes of this act. *s.* 8. and may call for parliamentary or parochial assessments to aid them in the execution of the act. *s.* 9.

Parish officers are authorized to enter on any lands to ascertain their value. *s.* 10.

Justices of division to certify to the justices at the general or quarter sessions the value of the property so ascertained. *s.* 11.

Justices authorized to issue warrants to levy the county rate in the usual manner. *s.* 12. and in places where the poors' rate does not apply separately, justices may order county rate to be levied as in cases where there is no poors' rate. *s.* 13.

Parishes aggrieved by the rate may appeal to the justices at the general or quarter sessions. *s.* 14. the expense of which to be paid by the parish appealing. *s.* 15.

Justices in general or quarter sessions may compensate persons employed in the execution of this act out of the money assessed. *s.* 16.

High constables to give security to the justices of the peace of the county for the due collecting and payment of the rate, and in default, justices may authorize parish officers to collect the same. *s.* 19.

All penalties if not immediately paid, to be levied by distress and sale, by warrant of one justice, or in default offender to be committed to the common gaol for not exceeding three calendar months, unless penalty sooner paid. *s.* 22.

Justice's Precept to High Constable to collect County Rate.

To the High Constable of the Hundred of ——, in the said county.

—— to wit. These are, in His Majesty's name, to command you within eight days after receipt hereof, to demand, collect and receive of and from the churchwardens and overseers of the poor of the several parishes and places hereunder-named, (being within your said hundred,) the several and respective sums of money hereunder set down and expressed opposite to and against the names of such parishes and places; the said several sums being respectively charged and assessed thereon in and by a rate or order made at the last general quarter sessions of the peace, held at —— in and for the said county, for and towards one general rate or assessment made for raising such sum and sums of money within the —— division of the said county, as may be sufficient to answer the ends and purposes mentioned and contained in an act of parliament made in the 12th year of the reign of his late Majesty King George the Second, intituled "An Act for the more easy assessing, collecting and levying of County Rates;" and that upon the receipt of the said several sums of money, you pay the same at or before the next general quarter sessions of the peace, to be held at ——, in and for the said county, into the hands of G. B. M. Esq. the treasurer appointed to receive the same. And if any of the churchwardens and overseers of the said several parishes and places shall refuse or neglect to pay the same within thirty days next after you shall have demanded the same, in writing given to the said churchwardens or overseers of the poor or any of them, or left at their or any of their dwelling-house or houses, or affixed on any of the church doors of such parish or places to which such churchwardens or overseers shall belong, that then you inform us or some other of His Majesty's justices of the peace for the said county, thereof, that such further proceedings may be had and taken as the law directs. And therefore fail not at your peril.

Given under our hands and seals at —— in the said county, the —— day of ——, in the year of our Lord 1817.

High Constable's Warrant to levy the Rate.

To the Churchwardens and Overseers of the Poor of the parish of —— in the said county.

—— to wit. By virtue of an order of His Majesty's justices of the peace in and for the said county in their general quarter sessions assembled, you are hereby required in thirty days time from your receipt of this precept, or otherwise, having had due notice thereof, to pay to me, out of the money by you collected or to be collected for the relief of the poor of your parish, the sum of £—— being the proportion of your said parish for and towards the general county rate, for repairing of bridges, repairing of the gaol, and for the relief of prisoners there, and for the relief of the prisoners in the King's Bench and Marshalsea prisons; for repairing and furnishing the house of correction, with the salary of the keeper thereof, the treasurer's salary, the coroner's fees, the charges concerning vagrants, soldiers' carriages, convicting and transporting felons, and other county charges. Herein fail not at your peril.

Given under my hand at —— in the said county, the —— day of ——, 1817.

J. C. High Constable.

DEER. *See* "GAME."

DISSENTERS.

By the act of toleration, 13 and 14 *Car. II. c.* 4, and by 19 *Geo. III. c.* 44, no dissenting minister shall be liable to the penalties of former acts, who shall, at the sessions where he lives, take the oaths of allegiance and supremacy, and subscribe the declaration against popery, and also the following declaration, *viz.*

"I, A. B. do solemnly declare, in the presence of Almighty God, that I am a Christian and a Protestant, and as such, that I believe that the Scrip-

tures of the Old and New Testament, as commonly received among Protestant churches, do contain the revealed will of God, and that I do receive the same as the rule of my doctrine and practice." He may preach in any other county at a meeting duly registered, on producing, (if required), a certificate of his qualification. 10 *Ann, c.* 2, *s.* 9. and he is exempted from the offices of churchwarden, overseer, or any other parochial office, and from serving in the militia, either personally or by substitute. 1 *Wm. and Mary, c.* 18, *s.* 11.—19 *Geo. III. c.* 44.—42 *Geo. III. c.* 90, *s.* 43. Any person disturbing a meeting-house, duly licensed, or misusing the preacher, shall find sureties in £50. to answer the same at the sessions, in default may be committed, and on conviction of the offender at the sessions, he shall forfeit £20. to the King. 1 *Wm. and Mary, c.* 18, *s.* 18.

By 52 *Geo. III. c.* 155, the acts of 13 and 14 *Car. II. c.* 1. 17 *Car. II. c.* 2. and 22 *Car. II. c.* 1. are repealed, and the following regulations substituted.—All places for religious worship shall be certified and registered, and any person knowingly permitting such assembly to meet in any place not registered, to forfeit not exceeding £20. nor less than 20s. *s.* 2. Any person preaching in a place, without the owner's consent, to forfeit not more than £30, nor less than 40s. *s.* 3. Preachers, and persons resorting to religious assemblies so certified and registered, exempt from penalties, in

1 *Wm. and Mary*, and preachers on taking the oaths in 19 *Geo. III. c.* 44, from civil offices and the militia. *s.* 9.

Penalty on providing a false certificate of having taken the oath, £50.

Persons disturbing religious congregations, shall enter into recognizance with two sureties in £50. to answer complaint at the sessions; in default thereof to be committed till the sessions, and if convicted, to forfeit £50. *s.* 12.

Offenders to be convicted before two justices, and pecuniary penalties to be levied by distress; in default thereof, the party to be committed to prison for any time not exceeding three months. *s.* 15. but appeal allowed to the next quarter sessions. *s.* 16. Penalties to be sued for in six months. *s.* 17.

By 53 *Geo. III. c.* 160, so much of the act 1 *W. and M.* as provides that that act should not extend to give any ease, benefit, or advantage to persons denying the Trinity, is repealed. *s.* 1.

The provisions of another act 9 and 10 *W.* intituled "An Act for the more effectually suppressing Blasphemy and Profaneness so far as relates to Persons denying the Trinity," is also repealed. *s.* 2.

DISTRESS.

A distress is the taking or distraining a personal chattel, to procure satisfaction for a wrong committed. The most usual distress is for rent in arrear; but the penalties and duties imposed by acts

of parliament are generally recoverable by distress and sale of the offender's goods.

To justify taking a distress, the party must have a regular warrant for so doing, and must take care that the things taken are distrainable, and that the distress is made in due time and place. *Co. Lit.* 47. All distresses must be made in the day time, unless in the case of cattle distrained, *damage feasant.* 1 *Inst.* 142. and they must be *damage feasant* at the time of making the distress; for if they were *damage feasant* yesterday, and again to-day, they can only be distrained for the damage they are then doing. *Bull. Ni. Pri.* 61.

Persons making a lawful distress may sell the same upon the premises in like manner as may be done off the same. 2 *Wm. and Mary, Sess.* 1, *c.* 5.

By 27 *Geo. II. c.* 20, Justices of the peace, in all cases where they are empowered to levy penalties by act of parliament, are in their warrants of distress to limit a time (not less than four nor more than eight days) for sale of the goods; the constable making such distress, may deduct the reasonable charges of taking, keeping, and selling such distress, out of the money arising by the sale; the overplus, if any, after such charges and also the penalty or sum of money shall be fully paid, shall be returned to the owner of the goods distrained; and the constable, if required, shall shew his warrant to the party whose goods are distrained, and suffer a copy thereof to be taken. If distress

cannot be found in the jurisdiction of the justice granting the warrant, it may be levied in another place. 33 *Geo. III. c.* 55, *s.* 3.

A distress ought to be made of such things whereof the sheriff may make replevin. *Co. Lit.* 47. but when an act of parliament orders a distress and sale of goods, it is in the nature of an execution, and replevin will not lie. *Bac. Abr.* title "*Replevin.*"

If in seizing for the whole sum due, the first distress is found insufficient, from mistaking the value of goods seized, which may be uncertain or imaginary, (such as pictures, race-horses, &c.) a second distress may be made. *Burr.* 589.

For the landlord's remedy against his tenant for fraudulently removing his goods to prevent distress, and for recovering possession of deserted premises, under 11 *Geo. II. c.* 19, see title "*Landlord and Tenant.*"

Distress Warrant where part of the Penalty goes to the Informer and part to the Poor.

To the Constable of ——, and to all other Constables in and for the county of ——.

—— to wit. Whereas A. B. of —— in the county of ——, [*labourer,*] is duly convicted before me S. P. Esq. one of His Majesty's justices assigned to keep the peace, and also to hear and determine divers felonies, trespasses, and other misdemeanors in the said county committed, for that he the said A. B. on the —— day of ——, in the —— year of the reign of our Sovereign Lord George the Third, did [*describe the offence as in the statute*], contrary to the form of the statute in such case made and provided, whereby he hath forfeited the sum of —— of lawful money of Great Britain; These are therefore to command you forthwith to levy the said sum of ——

by distraining the goods and chattels of him the said A. B. and if within the space of —— days [*not less than four nor more than eight days, by 27 Geo. II. unless otherwise directed by particular statute*] next after such distress by you taken, the said sum shall not be paid, together with the reasonable costs and charges of taking and keeping the same, that then you do sell the said goods and chattels so by you distrained, and out of the money arising by such sale that you do pay the sum of £——, part of the said sum of £——, to C. D. of ——, yeoman, who informed me of the said offence; and the sum of £——, the remainder of the said sum of —— so forfeited that you do pay to the churchwardens and overseers of the parish of ——, within which the said offence was committed, for the use of the poor of the said parish, returning to him the said A. B. the overplus, on demand, the reasonable charges of taking, keeping, and selling the said distress being first deducted. And you are to certify to me, with the return of this precept, what you shall have done in the execution thereof. Herein fail not.

Given under my hand and seal at —— in the said county, the —— day of ——, 1817.

The like where part of the Penalty goes to the King.

As in the last precedent till the words "arising by such sale," after which say,—that you do pay the sum of £——, being one moiety [*if the act so directs*] of the said sum of £—— so forfeited to me the said justice, [or *to S. P. Esq. one of His said Majesty's justices of the peace for the said county*] for the use of His said Majesty, his heirs and successors; and £——, being the other moiety, [or *the remainder*] of the said sum of £—— so forfeited as aforesaid, that you pay to —— [*as the act directs,—if in several shares or proportions specify each*].

Warrant of Distress for Penalty and Costs on a preceding Conviction, where the Penalty had been mitigated and Costs allowed above the Mitigation.

To the Constable of ——.

—— to wit. Whereas by a certain conviction under our hands and seals, bearing date the —— day of ——, 1817, one A. B. of ——, was duly convicted before us J. C. and

S. P. Esquires, two of His Majesty's justices of the peace in and for the county of ——, upon the information of C. D. of ——, and on the oath of E. F. a credible witness in that behalf, of a certain offence committed by the said A. B. for that [*state the offence as in the Conviction to the words* "contrary to the statute," &c.] whereby and by force of the statute in that case made and provided, the said A. B. was for his said offence adjudged to forfeit the sum of £—— [*as in the conviction*].

And whereas we the said justices seeing cause to mitigate and lessen the said penalty, do at the request of the said A. B. according to the statute, mitigate and lessen the same to the sum of £——, over and above the reasonable costs and charges of the said informer, by him laid out and expended in and about the said information and conviction, to be distributed and be applied one moiety thereof to the use of our said Lord the King, and the other moiety thereof to the said C. D. the informer, and which said costs and charges of the said C. D. the informer, we the said justices do allow, assess, and adjudge to him with his assent at the sum of £—— of like lawful money, according to the statute in that case made and provided. These are therefore to command you to levy the said sum of £—— of lawful money of Great Britain, and also the said sum of £——, the costs and charges above-mentioned of the said C. D. the informer, making together the sum of £——, by distress and sale of the goods of the said A. B. And we do hereby order and direct that the said goods which shall be so distrained be sold and disposed of within six days from the time of making the said distress, unless the said sum of £—— for which such distress shall be made, together with the reasonable charges of taking and keeping such distress, shall be sooner paid. And you are hereby commanded to certify to us the said justices what you shall do by virtue of this our warrant.

Given under our hands and seals at ——, the —— day of ——, 1817.

Constable's Return of want of Distress, to be indorsed on the Warrant.

W. S. constable of —— within-mentioned, maketh oath this —— day of ——, 1817, that he hath made diligent search for but doth not know of nor can he find sufficient goods and chattels of the within-mentioned A. B. whereon to levy the within-mentioned sum of £——, as therein he is commanded.

W. S.

Sworn before me, one of the justices within-mentioned,
S. P.

Indorsement on a Warrant of Distress to be executed in another County.

—— to wit. S. P. Esq. one of His Majesty's justices of the peace in and for the said county, doth hereby certify that oath hath been made this —— day of —— before him, by W. S. the constable named in the within warrant, that he the said W. S. hath, by virtue thereof, made diligent search for the goods and chattels of the within-named A. B. and that he can find no sufficient goods and chattels of him within the county of —— whereon the within-named sum can be levied; These are therefore to authorize the said W. S. who bringeth to me this warrant, and all persons to whom the said warrant is directed [*if it is directed to more than one*], to execute the same within the said county of ——.

Given under my hand and seal, &c.

S. P.

DOGS.

By 10 *Geo. III. c.* 18, if any person shall steal any dog or dogs of any sort from the owner, or from any person entrusted by the owner with such dog or dogs, or shall *sell, buy, receive, harbour, de-*

train or *keep* any such dog or dogs, knowing the same to be stolen, every such offender being convicted thereof on the oath of one witness, or on confession before two justices, shall forfeit for the first offence not more than £30. nor less than £20. at the discretion of such two justices, with costs to be ascertained by them; and if penalty not forthwith paid, such justices shall commit the offender to the common gaol or house of correction for not more than twelve nor less than six calendar months, or until the penalties and charges shall be paid; and for a second offence he shall forfeit not exceeding £50. nor less than £30. with costs, and on non-payment such justices may commit the offender for any time not exceeding eighteen months, nor less than twelve months, or until the said penalties and costs are paid; one moiety of the penalty to go to the informer, and the other to the poor of the parish where the offence committed; and such justice may order the offender to be publicly whipped within *three days* after commitment.

One justice may grant a search warrant for any dog or dogs so stolen; and if any such dog or the skin thereof be found, it shall be restored to the owner: and the person in whose custody such dog or skin shall be found (he being privy to the theft) shall be subject to the like penalties as persons convicted of stealing any dog or dogs as aforesaid.

Any person aggrieved may appeal to the next general quarter sessions within four days after the cause of complaint shall arise, such appellant giving fourteen days notice of his intention to appeal; the decision of the sessions to be final.

[There must be a mistake in this last section of the act, otherwise the party would undergo the most odious part of his punishment prior to the time limited for his giving notice of appeal; for should he be apprehended and committed for a second offence, he is to be publicly whipped in three days after commitment: it would be an anomaly in law to punish a man *pendente lite.*]

The owner of a mischievous dog may be indicted for suffering him to go loose and unmuzzled. *Dyer,* 25. and an action for damages will also lie against the owner. 2 *Str.* 1264. but action cannot be maintained against the owner of a dog for biting a person, unless the owner had notice of his having bit somebody once before. 12 *Mod.* 555. an action will also lie against the owner of a dog accustomed to bite sheep, provided the owner knew him to be guilty of such practices. *Dyer,* 236.

A man may justify battery in defence of his dog. *Cro. Eliz.* 125.

A man may justify beating a dog which attacks his dog, but he cannot justify killing him, unless he cannot otherwise save his own dog. 1 *Camp. Rep.* 41.

An action will lie against the finder of a dog for re-

fusing to deliver him to the owner after demand. *Cro. Eliz.* 125. the person detaining is liable to damages as well as costs, and he has no lien on the dog for its keep. 2 *Black. Rep.* 1117. Dogs of qualified persons cannot be killed in pursuing game. 11 *East's Rep.* 568. but otherwise if in pursuit of deer in a park, or rabbits in a warren.

Conviction, under 10 Geo. III. *for Stealing a Dog.*

—— to wit. Be it remembered, That on the —— day of ——, in the year of our Lord 1817, A. B. is convicted before us, W. S. and S. P. Esquires, two of His Majesty's justices of the peace in and for the said county of ——, for that he the said A. B. within six months now last past, to wit on the —— day of this present month of ——, in the said year of our Lord 1817, at the parish of —— in the said county, unlawfully and against the form of the statute, did steal one spaniel dog, the property of C. D. of ——, gentleman.

Given under our hands and seals, &c.

Conviction, on the same Act, *for receiving a Dog knowing it to have been Stolen.*

—— to wit. Be it remembered, That on the —— day of —— &c. A. B. is convicted before us, W. S. and S. P. Esquires, two &c. for that he the said A. B. on &c. at &c. unlawfully and against the form of the statute in this behalf made and provided, did receive, harbour, detain, and keep one spaniel dog, the property &c. he the said A. B. well knowing the said dog to have been stolen.

Given &c.

Information before one Justice to ground a Search Warrant.

—— to wit. Be it remembered, That on the —— day of ——, in the year of our Lord 1817, at —— in the said county of ——, A. B. yeoman, in his proper person, cometh before me S. P. Esq. one of His Majesty's justices of the peace in and for

the said county, and upon his oath before me the said justice deposeth and saith, that he hath lately lost a terrier dog of a black and tan colour, and that he hath cause to suspect and doth suspect that C. D. of —— aforesaid hath stolen the same, and that the skin of the said dog is now concealed in the dwelling house of the said C. D. situate in the town and parish of —— aforesaid.

Exhibited on oath before me, this —— day of ——, 1817.

Search Warrant thereon.

—— to wit. [Recite the complaint as in the information, then proceed thus:]—These are therefore to command you to make diligent search for the said dog's skin, in the said dwelling house of the said C. D and if you shall find it therein, then that you bring the same before me at this place, and also cause the said C. D. to come before me and W. S. Esq. one other of His Majesty's justices of the peace in and for the said county, at this place to-morrow morning at eleven o'clock, to answer the said complaint and to make defence thereto, and to be dealt with according to law.

Given &c.

EVIDENCE.

In general a person is a competent witness, unless interested in the event of the suit, either directly or indirectly. 7 *T. R.* 62.

The *ex-parte* examination of a pauper, in writing, as to his settlement, is not admissible evidence of such settlement. 2 *East's Rep.* 54, but the examination of a soldier as to his settlement, is made evidence by the *Mutiny Act*; it must however be authenticated before read in evidence.

The confession of a defendant, taken on an examination before justices, is allowed to be evidence

against the party confessing, but not against third persons. 2 *Haw. c.* 46, *s.* 3. The distinction between a *credible* and a *competent* witness is, that the former is not disabled from being produced and sworn, but the *credit* of his testimony depends upon his moral character: the latter may be disabled by interest and other causes from *giving* evidence, and on that account is *incompetent.* 2 *H. H.* 276, 277.

A witness cannot be asked any question, the answering of which would accuse himself of a crime, but he may be asked whether he has not been in the pillory for perjury. 4 *T. R.* 440.—An infant of fourteen years of age, and even under, if of competent discretion, may be sworn as an evidence. 2 *H. H.* 278.

The deposition of a witness taken extra-judicially before a magistrate, is not evidence.—*Leach,* 397.

A person convicted of perjury is thereby rendered incompetent as a witness. 2 *Haw.* 433. but persons convicted of any felony within clergy, or of grand or petit larceny, are competent witnesses: other incompetent witnesses are persons guilty of treason, felony, piracy, præmunire, or forgery.

Husband and wife are not admitted as evidence against each other, except in treason—and also in polygamy, for the second marriage being void, the second wife may be admitted a witness; but the wife

may be permitted to swear the peace against her husband, and *vice versâ*. *Buller, N. P.* 286.

No quaker shall be allowed to give evidence in any *criminal* cause, except on oath. 7 and 8 *W.* c. 34. An accomplice to a crime may be admitted as a witness, if he hath not been indicted for such crime; and accomplices are good witnesses for the King until they are convicted. 2 *Haw.* 46, *s* 17, 18.

Warrant for a Witness to give Evidence.

To the Constable of ——.

—— to wit. Whereas oath hath been made before me S. P. Esq. one of His Majesty's justices &c. by C. D. of &c. that he the said C. D. was lately robbed on the King's highway at ——, and that he hath good cause to believe that E. F. of &c. is a material witness to prove by whom the said robbery was committed. These are therefore to require you to cause the said E. F. forthwith to come before me, to give such information and evidence as he knoweth concerning the said offence, and that such further proceedings may be had therein as to the law doth appertain.

Given under my hand and seal &c.

S. P.

Condition of a Recognizance to appear and give Evidence.

The condition of this recognizance is such, that if the above bounden A. B. shall personally appear at the next general quarter sessions of the peace, to be holden at —— in the county of ——, and then and there give such evidence as he knoweth, upon a bill of indictment to be exhibited by C. D. of &c. to the grand jury, against E. F. of &c. yeoman, for feloniously stealing ——, the property of C. D. and in case the said bill be found a true bill, then if the said A. B. shall then and there give evidence to the jurors, that shall pass on the trial of the said E. F. upon the said bill of indictment, and not depart thence without leave of the court, then this recognizance to be void, otherwise of full force and virtue.

EXAMINATION.

By 1 and 2 *P. and M. c.* 13, *s.* 4, two or more justices, or one of them where prisoner is charged with manslaughter or felony, shall take his examination in writing, and the information of him that bring him of the fact, which they shall certify at the next gaol delivery.

A constable may be ordered by a justice, by word of mouth, to detain a prisoner for further examination, and it is said three days is a reasonable detention. *Cro. Eliz.* 829.

The examination of a prisoner should not be on oath, but he should sign it if it contains a confession. *Dalt. c.* 164. and the examination being voluntary, and proved to be truly taken by the justice or his clerk, may be given in evidence against the prisoner. 1 *H. H.* 586. though not against others. 2 *Haw. c.* 46, *s.* 3. but witnesses must be examined on oath. *Dalt. c.* 164.

Persons refusing to be bound to prosecute and give evidence, may be committed. *Dalt. c.* 164. 1 *H. H.* 586.

Examination or Confession in Felony.

[*Note.* If the offence be bailable it must be taken before two Justices.]

—— to wit. The examination of A. B. of ——, taken before me S. P. Esq. one of His Majesty's justices of the peace for the said county, on ——, the —— day of ——, in the year

of our Lord 1817, the said A. B. being charged before me by C. D. of &c. yeoman, with the felonious stealing out of the dwelling-house of the said C. D. at ——, on the —— day of ——, the following goods, to wit, [*here describe the articles*], of the value of ——, he the said A. B. upon his examination now taken before me, confesseth that &c.

Examination as to Stolen Goods.

—— to wit. The information and complaint of A. B. of &c. in the county of ——, [*labourer,*] made on oath before me one of His Majesty's justices of the peace for the said county, the —— day of ——, who saith that the following goods, to wit, [*describe the goods stolen*], have by some person or persons unknown, within —— days last past, been feloniously taken, stolen, and carried away, out of his dwelling-house [or *out-house, as the case may be*], situate at —— aforesaid, in the county aforesaid; and that he hath probable cause to suspect, and doth suspect, that the said goods, or part thereof, are concealed in the house [*stable &c. as the fact is*], of C. D. at —— in the said county.

Taken before me,
S. P.

Summons for a Witness to be Examined.

To the Constable of —— in the county of ——.

—— to wit. Whereas information hath been made before me S. P. Esq. one of His Majesty's justices of the peace in and for the said county, that [*state the complaint*] and that C. D. of —— in the said county, is a material and necessary witness to be examined concerning the same. These are, therefore, to require you to summon the said C. D. to appear before me, at —— in the said county, on —— the —— day of ——, at the hour of —— in the —— noon of the same day, to testify the truth according to the best of his knowledge concerning the premises.

Given under my hand and seal this —— day of ——, 1817.
S. P.

Warrant for a Witness.

To the Constable of ——.

—— to wit. Whereas it hath been made appear to me S. P. Esq. one of His Majesty's justices of the peace in and for the county aforesaid, upon the oath of A. B. that he the said A. B. was feloniously robbed of [*state the facts*], and that he has cause to believe that C. D. of —— is a material witness to prove by whom the said robbery was committed. And whereas it hath been duly proved, on the oath of K. L. constable of ——, that the said C. D. was duly summoned to appear before me this day at the hour of —— in the forenoon, to be examined touching the said robbery, but the said C. D. hath neglected and refused, and doth neglect and refuse to appear before me, in pursuance of the said summons; These are, therefore, to require you to cause the said C. D. forthwith to come before me and give such evidence and information as he knoweth concerning the said offence, that such further proceedings may be had therein as the law doth direct.

Given under my hand and seal &c.

Commitment for further Examination.

To the Constable of ——, and to the Keeper of the Common Gaol of ——.

—— to wit. Whereas A. B. of —— in the said county, [*labourer,*] is this day brought before me S. P. Esq. one of His Majesty's justices of the peace in and for the said county, and charged before me the said justice, on the oath of C. D. of ——, in the said county, yeoman, with having feloniously stolen [*describe the goods*], the property of the said C. D. but inasmuch as the witnesses on the part of the said prosecution against the said A. B. for the said felony are not now here ready to give evidence against him; These are, therefore, in His Majesty's name, to command you the said constable, forthwith to convey and deliver the said A. B. into the custody of the keeper of the said gaol at ——. You the said keeper of the said gaol are hereby also commanded to receive the said A. B. into your custody in the said county gaol, and him there

safely to keep until the hour of —— to-morrow morning, when you are required to bring the said A. B. to the house of ——, at —— in the said county, to be then and there further examined concerning the said felony, before me or such other of His Majesty's justices of the peace for the said county as shall be then and there present.

Given under my hand and seal &c.

Commitment of a Witness for refusing to enter into Recognizance to appear and give Evidence.

To the Constable of —— in the county of ——, and to the Keeper of the Common Gaol at —— in the said county.

—— to wit. Whereas A. B. was this day charged before me S. P. Esq. one of His Majesty's justices of the peace in and for the said county, with having feloniously stolen ——, the property of C. D. of —— in the said county, yeoman, and upon the examination of the said A. B. one E. F. of —— in the said county, [*labourer,*] did give material evidence on oath before me the said justice, against the said A. B. touching the said felony, whereupon the said E. F. is required by me the said justice to become bound in a recognizance in the sum of £——, conditioned for his personal appearance at the next quarter sessions to be held in and for the said county, then and there to give such evidence as he knoweth, on the part of our Lord the King, against the said A. B. on his trial for the said felony; but inasmuch as the said E. F. hath obstinately and contemptuously refused to enter into such recognizance, these are in His Majesty's name to command you the said constable forthwith to convey and deliver the said E. F. into the custody of the keeper of the county gaol of —— aforesaid, together with the duplicate of this my warrant, and also to command you the said keeper to receive the said E. F. into your custody in the said county gaol, and him there safely to keep until the next quarter sessions to be held in and for the said county, or until he shall enter into such recognizance as aforesaid.

Given under my hand and seal &c.

EXCISE AND CUSTOMS.

By 55 *Geo. III. c.* 27, additional duties of excise are granted till July 5, 1816.

As the nature of this work will not permit a detailed account of the various duties and regulations of the Excise and Customs, and as there are distinct treatises on these subjects, it is advisable that reference be had to the *Acts of Parliament*, to *Highmore on Excise*, and other works exclusively adapted to them, in which will be found every necessary information and direction; and as the penalties in general are recoverable by process at common law, such penal clauses only of the several acts of parliament, with the precedents applicable thereto, are here inserted, under which justices of the peace are empowered to hear and determine.

A carman, porter, or other person assisting in landing, shipping, or carrying goods from foreign parts, without a warrant from or presence of a custom-house officer, may, for his first offence, be apprehended by warrant of one justice, and committed till he find sureties for good behaviour; for second offence, commitment for two months, or until he pay a fine of £5. or is discharged by the Court of Exchequer. 13 and 14 *Car. II. c.* 11. *s.* 7. Boats and carriages forfeited in consequence of goods be-

ing re-landed after drawback allowed, may be recovered before justices. *s.* 16.

Officer of customs or excise finding on board any ship coming from abroad, (not an Indiaman), more than 100 lbs. of tea, or more than 100 gallons of foreign spirits, (over and above two gallons for each seaman on board), and being in casks under sixty gallons, may take the person having charge of the ship before a justice, who shall bind him in a recognizance of £300, to answer the complaint in the Court of Exchequer. 19 *Geo. III. c.* 69, *s.* 7.

One justice may convict seamen or mates concealing such goods, in the forfeiture of their wages and 10*s.* for every gallon of spirits or pound of tea, and in war time, if able, to be sent for three years on board a ship of war, and if in peace, and unable to pay the penalty, commitment for not exceeding three months nor less than six weeks. 21 *Geo. III. c.* 39, *s.* 2. The penalties may be mitigated not less than half. *s.* 6.—A printed copy of this act to be put up in a conspicuous part of every trading ship, under penalty of 1*s.* a day for every such omission.

A justice, on information upon oath, may cause a suspected smuggler, lurking within five miles of the sea or any navigable river, to be apprehended and committed to hard labour for one month, and whipped. 9 *Geo. II. c.* 35, *s.* 8. but if he desires time to exculpate himself, he shall only be committed till he find security. *s.* 19.

Any person riotously assembling, and with offensive weapons aiding the landing or opposing the seizure of prohibited goods, may be apprehended by warrant of one justice, on information on oath; and such offenders may be committed without bail till discharged by law. 9 *Geo. II. c.* 35.

Any person knowingly receiving or buying any run goods before they shall have been legally condemned, shall on conviction (after summons) by confession, or oath of one witness, before one justice where the offence shall be committed or the offender shall be found, forfeit £20. half to the informer and half to the poor, to be levied by distress, or for want thereof, be committed to prison for three months. 49 *Geo. III. c.* 2, *s.* 4.

Persons knowingly concealing run goods, to forfeit the same and treble their value. 11 *Geo. c.* 30, *s.* 16, 17.

Porters and others knowingly carrying run goods, on conviction shall forfeit treble their value, half to the informer and half to the poor, to be levied by distress, by warrant of one justice; for want of distress, the offender may be committed to the house of correction to be whipped, and kept to hard labour not exceeding three months. 9 *Geo. II. c.* 35, *s.* 21.

Persons to the number of two or more found passing with any horse, cart, &c. laden with more than 6lbs. of tea, or more than five gallons of fo-

reign spirituous liquors, not having paid the duty, and not having any permit, and shall carry offensive weapons, or wear any disguise; any officer of customs or excise may arrest such persons and carry them before a justice, who shall commit them (if he see cause) to gaol till the next general quarter sessions, and take the officer's recognizance in £40. to appear and prosecute. 19 *Geo. III. c.* 69, *s.* 9, 11, 12.

Offences relating to excise and customs made felony by any act of parliament, may be tried in any county. 43 *Geo. III. c.* 157, *s.* 2.

Any person obstructing an officer in seizing prohibited goods, such officer may arrest the offender and carry him before a justice, who shall commit him, if he see cause, to the next general quarter sessions. 19 *Geo. III. c.* 69, *s.* 10, 12. and by 24 *Geo. III. c.* 47, and 34 *Geo. III. c.* 50, any other person may apprehend an offender in like manner.

By 49 *Geo. III. c.* 65, any two justices living near the place wherein the offence arises, or where offender shall be found, may hear and determine prosecutions for penalties incurred under this or any former act, and may, on the oath of one witness, convict the offender and levy the penalty by warrant of distress, but not if the fine exceed £50. *s.* 2.

A summons left at the party's house is sufficient. *s.* 3. justices may mitigate penalties one half,

in certain cases. *s.* 4. and an offender who shall be committed for non-payment of penalties, shall, on the expiration of his imprisonment, be wholly discharged from such penalties. *s.* 5. Information to be laid within six months after penalties incurred, or offence committed. *s.* 6.

On complaint of any officer of excise or customs not doing his duty, one justice may examine the matter, and if well founded he shall transmit the examination and complaint to the commissioners of excise or customs respectively. 19 *Geo. III. c.* 69, *s.* 32.

Two justices in a summary way may determine respecting the seizure of horses, carriages, and boats of fifteen tons burthen, or under, and may summon the parties, give judgment, and issue warrants for penalties; such judgment to be final. 8 *Geo. c.* 18. 49 *Geo. III. c.* 65.

EXCISE *(in general.)*

By 24 *Geo. II. c.* 40, all fines imposed by this or any other act relating to the duties of excise, shall be sued for by any law or laws of excise, or in the courts at Westminster, and shall be half to the King and half to the informer. *s.* 29. *viz.* if within the limits of the chief office, offences to be determined by the commissioners, and in all other places by two or more justices of the peace residing near to the place where forfeitures are incurred or

offence committed; and in case of neglect or refusal of such justices by the space of fourteen days next after complaint made, and notice thereof given to the offender, then the sub-commissioners may hear and determine the same; justices are required upon any complaint to summon the party accused, and on his appearance or contempt to proceed to the examination of the facts, and on due proof thereof by confession, or oath of one witness, to give judgment and to issue warrants to levy the same on the goods of the offender; and if not redeemed in *(not less than four nor more than eight days,* by 27 *Geo. II. c.* 20, *s.* 1.*)* and for want of such distress, to imprison the offender till satisfaction made. 12 *Car. II. c.* 24, *s.* 45.

If on request by an officer of excise to a constable to assist him in his duty, wherein a constable's presence is necessary, he shall neglect or refuse, such constable shall forfeit £20. 11 *Geo. c.* 30, *s.* 31. and any person obstructing an officer of excise in the execution of his duty, shall forfeit £10. 6 *Geo. c.* 21, *s.* 7.

Justices may summon witnesses to give evidence, and may fine them £10. for refusing to appear. 7 and 8 *Wm. c.* 30, *s.* 24.

One justice may issue a warrant to search for exciseable goods by night or day, on oath of officer, and such goods may be seized; persons obstructing the execution of the warrant to forfeit £100. 42 *Geo. III. c.* 97, *s.* 17.

An appeal does not lie in all cases against the conviction of two justices, under the excise laws, but in cases where it is allowed, the appellant must deposit the single duty with the commissioners of excise, and give security either to commissioners of appeal, or justices, for the adjudged forfeiture. 15 *Car. II. c.* 11.

Distress warrant, granted by two justices, under 9 *Geo. II. c.* 23. on conviction for selling spirituous liquors without license, need not be under seal. *Willis's Rep.* 411. but as penal statutes generally direct distress warrants to be under hand and seal, it is advisable in all cases not to omit the seal.

By 19 *Geo. III. c.* 69, importers and dealers in foreign brandy, arrack, rum, spirits, or strong waters, shall put on some conspicuous part of their house, &c. these words, "*Importer of or Dealer in Foreign Spirituous Liquors,*" under a penalty of £50.

Information and Complaint (general), on 12 Car. II. c. 24.

—— to wit. Be it remembered, That this —— day of ——, in the 57th year of the reign of our Sovereign Lord, George III. at —— in the said county, cometh A. B. of ——, yeoman, in his own proper person, and as well for our said Lord the King as for himself, exhibiteth to us, J. C. and S. P. Esquires, two of His Majesty's justices of the peace for the said county, residing near the place where the offence herein after mentioned was committed, an information and complaint, and thereby informeth us that at several times between the —— day of ——, and the —— day of —— [or *on the —— day of ——, as the fact is*], now last past, one C. D. of ——, yeoman, did [*state the offence*], contrary to the form of the statute in such case

made and provided, whereby he hath forfeited the sum of £——, and thereupon the said A. B. who as well for his said Majesty as himself doth prosecute, humbly prays the judgment of us the said justices in the premises, and that he may have one moiety [or *as the statute directs*] of the said forfeiture, according to the form of the statute in that case made and provided, and that the said C. D. may be summoned to answer the said premises, and to make his defence before us the said justices.

A. B.

Exhibited before us the day and year above written,

J. C.
S. P.

Summons thereon.

To C. D. of —— in the said county, yeoman.

—— to wit. We J. C. and S. P. Esquires, two of His Majesty's justices of the peace in and for the said county, do hereby give you notice, that A. B. of ——, yeoman, hath this day exhibited before us an information against you for the sum of £—— [*the forfeiture*], by you incurred for and by reason of your [*state the offence*], contrary to the form of the statute in such case made and provided; you are therefore hereby required to appear before us at —— in the said county, on the —— day of —— now next ensuing, at —— of the clock in the ——noon of the same day, then and there to answer the said information, and to make defence thereto; but if you neglect to appear, we shall proceed as if you were personally present; and we do authorize and require L. M. officer of excise, or any other officer of excise, to serve this our summons and to attend us at the time and place aforesaid, then and there to make a return thereof to us the said justices.

Given under our hands the —— day of ——, in the year of our Lord 1817.

J. C.
S. P.

The Conviction may be in the form under title "Conviction."

Warrant of Distress for a Penalty, under 12 Car. II. c. 14.

To A. B. and C. D. Officers of Excise, and to either of them.

—— to wit. We whose hands and seals are hereunto set, two of His Majesty's justices of the peace in and for the said county, do, in his said Majesty's name, authorize and command you, or one of you, that you seize upon the goods and chattels of C. D. of —— in the county aforesaid, and levy the sum of £—— of lawful English money, by us mitigated from the sum of £—— [*if so*], recovered against him by A. B. who prosecuted as well for our Sovereign Lord the King as for himself, for a certain offence committed by the said C. D. against the laws and statutes of excise, whereof he the said C. D. is duly convicted before us, and for the levying thereof you are to seize, take and carry away, the goods and chattels aforesaid; and if in —— days [*not less than four nor more than eight*] next after such seizure, the said sum of £——, together with the reasonable charges of taking and keeping the said goods and chattels shall not be paid, then and in such case, after the expiration of the said —— days, you are to sell the same, or so much thereof as shall be sufficient to levy the said sum of £——, which when so levied you are forthwith to pay to the collector of excise of the district for the time being [*or as the case may be*] to be by him distributed according to the statute in that case made and provided; and if any overplus shall remain of the money arising by such sale, you are to render such overplus to the said C. D. the reasonable charges of taking, keeping, and selling the said distress being first deducted.—And all constables and other peace officers of the said county are hereby required to aid and assist you in the execution hereof. But in case sufficient distress cannot be found whereon to levy the said sum of £——, you are forthwith to certify the same to us, together with a return to this precept.

Given under our hands and seals the —— day of ——, 1817.

J. C.

S. P.

Return, by Excise Officer, of want of Distress.

—— to wit. I, A. B. one of the within-named officers of excise, do hereby certify to J. C. and S. P. Esquires, the justices within named, that by virtue of the within warrant I have made diligent search for the goods and chattels of C. D. and that I can find none whereon I could levy the sum of money within mentioned, or any part thereof; as witness my hand this —— day of ——, 1817.

A. B.

Commitment for want of Distress.

To A. B. and C. D. Officers of Excise, and to either of them, and to the Keeper of the Common Gaol at —— in the said county.

—— to wit. Whereas we whose hands and seals are hereunto set, two of His Majesty's justices of the peace in and for the said county, by warrant under our hands and seals, bearing date the —— day of —— last, did require and command you the said A. B. and C. D. or one of you, to levy the sum of £—— therein mentioned, upon the goods and chattels of E. F. of ——. And whereas you the said A. B. by a return and certificate under your hand, dated the —— day of ——, have certified to us that diligent search hath been made by you for such goods and chattels, but that you can find none whereon to levy the said sum of £—— or any part thereof; We the said justices do therefore, in his said Majesty's name, require and command you the said A. B. and C. D. or one of you, to take the body of the said E. F. and him forthwith to carry to the common gaol at —— in the said county, and there deliver him to the custody of the keeper of the said gaol, together with this warrant. And we the said justices do also command you the said keeper of the said common gaol to receive into, and safely keep in your custody in the said common gaol, the body of the said E. F. until he shall pay the said sum of £—— of lawful English money, by us the said justices adjudged against him upon an information exhibited against him before us by G. H. gent. as well on behalf of

his said Majesty as himself, for a certain offence committed by the said E. F. against the laws and statutes of excise, whereof he stands convicted before us the said justices. And all constables and other peace officers of the said county are hereby required to aid and assist you in the due execution hereof, and for so doing this shall be your sufficient warrant and authority.

Given under our hands and seals &c.

J. C.
S. P.

Information for obstructing an Excise Officer.

—— to wit. Be it remembered, That on the —— day of —— [*as in the preceding information*], A. B. late of the parish of —— in the said county, on the —— day of ——, in the 57th year of the reign &c. and in the year of our Lord 1817, with force and arms, at the parish of —— aforesaid, in and upon one C. D. the said C. D. then and there being one of the officers of his said Majesty's revenue of excise, duly constituted and appointed, and being then and there in the due execution of his said office, unlawfully and violently did make an assault upon him the said C. D. in the due execution of his said office, then and there with force and arms, unlawfully, violently, and forcibly, did hinder, obstruct, resist, oppose, molest, and abuse, to the great damage of the said C. D. in contempt of our said Lord the King and his laws, and against the form of the statutes in that case made and provided, whereby the said A. B. hath, for his said offence, forfeited and lost the sum of £10. wherefore the said C. D. the now informant, prays the consideration and judgment of us the said justices in the premises, and that the said A. B. may be forthwith apprehended and brought before us the said justices, to answer and make defence to this information, and that such proceedings may thereupon be had as by the statute in that case made and provided are directed.

A. B.

Exhibited before us the day and year aforesaid.

J. C.
S. P.

Information, on 9 Geo. II. c. 35, *for carrying run or prohibited Goods.*

—— to wit. Be it remembered, That on the —— day of ——, in the —— year of the reign of our Sovereign Lord George the Third, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, and in the year of our Lord 1817, at —— in the said county, A. B. of —— in the said county, who prosecutes as well for the poor of the said parish of —— in the said county as for himself, in this behalf, in his proper person cometh before me S. P. Esq. one of the justices of our said Lord the King assigned to keep the peace of our said Lord the King in and for the said county, and also to hear and determine divers felonies, trespasses, and other misdemeanors in the said county committed, and as well for the poor in the said parish of —— in the said county as for himself, giveth me the said justice to understand and be informed, that after the 24th day of June, 1786, to wit, on the —— day of ——, in the year of our Lord, 1817, at the parish of —— in the said county, one E. F. being one of His Majesty's officers of the customs [or *excise*], did find and seize upon and in the custody of one C. D. late of ——, in the said county, divers, to wit [*here set forth the goods found and the value thereof*], being goods, wares, and merchandize liable to the payment of the duties of customs [or *excise*], to and for the use of His Majesty, which had been brought from parts beyond the seas by way of merchandize, and had been unshipped and clandestinely run and imported into this kingdom, to wit, to the parish of —— aforesaid, without payment of the said duties for the same, and that the said C. D. was, at the time of such finding and seizing of the said goods, wares, and merchandize, at the parish aforesaid, employed in carrying the same, he the said C. D. then and there well knowing the said goods, wares, and merchandize to have been clandestinely run and imported as aforesaid, without payment of the said duties of customs [or *excise*], contrary to the form of the statute in such case made and provided, whereby and by force of the said statute the said C. D. hath forfeited the sum of £——, being treble the value of the said goods, wares, and merchandize so found and seized as aforesaid, one moiety thereof to the said

A. B. the said informer, and the other moiety thereof to the poor of the parish of ——, being the parish wherein the said offence was committed; and the said A. B. who prosecutes as aforesaid, prays that the said C. D. may be convicted of the said offence, and that one moiety of the said forfeiture may be adjudged to the said A. B. and the other moiety thereof to the poor of the said parish of ——, according to the form of the statute in such case made and provided, and that the said C. D. may be summoned to answer the said complaint and information, and to make defence thereto.

A. B.

Exhibited before me,
S. P.

Summons thereon.

To C. D. of ——.

—— to wit. Whereas information hath this day been made by A. B. [*state the substance of the information*], These are therefore to require you the said C. D. to appear before me at ——, the —— day of —— next ensuing, at the hour of ——, to answer the matter of the complaint contained in the said information, and to shew cause (if any you have) why you should not be convicted of the said offence charged in the said information.

Given under my hand and seal &c.

Conviction.

(See the general form of Conviction, under that title.)

Warrant of Distress.

To the Constable of ——.

—— to wit. Whereas by a certain conviction under my hand and seal, bearing date the —— day of ——, in the year of our Lord 1817, one C. D. late of the parish of —— in the said county, was and is duly convicted before me S. P. Esq. one of the justices of our Lord the King, assigned to keep the peace &c. upon the information of A. B. of —— in the said county,

who prosecuted as well for &c. as himself, in this behalf, and upon the oath of ——, a credible witness in that behalf, of a certain offence committed by the said C. D. for that —— [*there describe the offence as in the information*], and the said C. D. was for his said offence adjudged by me to forfeit the sum of £—— of lawful money of Great Britain, being treble the value of the goods, wares, and merchandize so found and seized as aforesaid, to be distributed, and to go and be applied one moiety thereof to the said ——, and the other moiety thereof to the said A. B. the informer, according to the form of the statute in that case made and provided; these are therefore to command you to levy the said sum of £——, being treble the value of the said goods, wares, and merchandizes so found and seized as aforesaid, by distress and sale of the goods and chattels of the said C. D. and I do hereby order and direct the goods and chattels so to be distrained to be sold and disposed of within —— days [*not more than eight nor less than four days, by stat. 27 Geo. III. c. 20*], unless the said sum of £——, for which such distress shall be made, together with the reasonable costs and charges of taking and keeping the said distress shall be sooner paid, and you are hereby commanded to certify to me the said justice, on the —— day of —— next ensuing, what you shall do by virtue of this my warrant.

Given under my hand and seal &c.

Constable's Return of no Distress.

I do hereby certify to S. P. Esq. the justice within named, that the within named C. D. hath not any goods or chattels whereon I can levy the within mentioned sum of £——, or any part thereof, as within I am commanded.— Dated this —— day of ——, 1817.

L. M. Constable of ——.

Constable's Return of Part Levied.

I do hereby certify to S. P. Esq. the justice within named, that by virtue of the within warrant I have levied, by distress and sale of the goods and chattels of the within named C. D. the sum of £——, in part of the within mentioned sum

of £——, which said sum of £—— I have ready before the said justice, as within I am commanded; and I do further certify to the said justice, that the said C. D. hath not any other goods or chattels whereon I can levy the residue of the said sum of £—— or any part thereof. Dated, &c.

L. M. Constable.

Commitment for want of Distress, or where Part only Levied.

To the Constable of ——, and to the Keeper of the House of Correction at —— in the county of ——.

—— to wit. Whereas C. D. late of the parish of —— in the said county, was duly convicted [*recite the information and conviction*]. And whereas on the —— day of —— last past, I did issue my warrant to the constable of ——, commanding him to levy the said sum of £——, by distress and sale of the goods and chattels of him the said C. D. and that the said constable should certify to me the said justice, on the —— day of —— now last past, what he should do by virtue of my said warrant; and whereas it duly appears to me, by the return of L. M. constable of —— aforesaid dated the —— day of ——, that the said C. D. hath not any goods or chattels whereon he could levy the said sum of £—— or any part thereof, as by the said warrant he was directed [or *he hath levied, by distress and sale of the goods and chattels of the said C. D. the sum of £——, in part of the said sum of ——; and it further appears to me by the return of the said constable, that the said C. D. hath not any other goods or chattels whereon he could levy the residue of the said sum of £——, or any part thereof, as by the said warrant he was commanded*]. These are therefore to command you, the said constable of ——, to apprehend the said C. D. and him safely to convey to the house of correction at ——, and there to deliver him to the keeper thereof, together with this precept; and I do hereby command you, the said keeper of the said house of correction, to receive the said C. D. into the said house of correction, and there to whip him and keep him to hard labour for the space of three months, and for your so doing this shall be your sufficient warrant and authority.

Given under my hand and seal &c.

Information, on 19 Geo. III. c. 69, *against an* Importer of Foreign Spirits, *for not having those Words inscribed over his Door &c.*

That the said A. B. after the —— day of ——, in the year of our Lord ——, to wit, on the —— day of ——, 1817, he the said A. B. then being an importer for sale or dealer in and seller of foreign brandy, wine, spirits and other foreign strong waters, did make use of a certain shop, warehouse, storehouse, cellar, vault, or other place [*stating which, according to the fact*] for the keeping of foreign brandy, and situate and being in the parish of —— in the county of ——, without having the words "Importer of," or "Dealer in Foreign Spirituous Liquors," printed or written in large legible characters over the outer door, or in the front, or in some conspicuous part of the said house &c. so made use of by the said A. B. as aforesaid, contrary to the form of the statute in such case made and provided, whereby and by force of the said statute the said A. B. hath forfeited for his said offence the sum of £50.

Information for Selling Distilled Spirits, by Retail, without a License.

—— to wit. Be it remembered, That &c. [*vide first information*], and giveth us the said justices to understand and be informed, that A. B. between the —— day of ——, 1817, and the time of exhibiting this information, to wit, at the parish of —— in the said county, did retail certain distilled spirituous liquors, that is to say, brandy and rum, without first taking out a license for that purpose, contrary to the form of the statute in that case made and provided, and in force at the time of passing a certain act of parliament, made in the 13th year of the reign of our Sovereign Lord the King, intituled "An Act for the more effectually retailing of Distilled Spirituous Liquors &c." whereby and by force of the said statute, the said A. B. hath, for his said offence, forfeited the sum of £——, wherefore &c.

Summons for Witness to give Evidence.

To J. K.

—— to wit. On the part of the informer herein after named, you are hereby summoned and required personally to be and appear before us W. S. and J. C. Esquires, two of His Majesty's justices of the peace in and for the said county, on —— the —— day of —— now instant, at —— o'clock in the ——noon of the same day, at —— in the said county, then and there to give evidence for the discovery of the truth of a matter in controversy before us, between A. B. gentleman, informer, and C. D. maltster, defendant, on an information now depending before us, touching an offence against the laws and statutes for laying duties on malt; and if you fail herein, you will forfeit the penalty of £10.

Given under our hands at —— aforesaid, this —— day of ——, in the year of our Lord 1817.

W. S.
J. C.

Information against a Witness for not appearing to a Summons.

—— to wit. Be it remembered, &c. and giveth us the said justices to understand and be informed, that at a time now past, that is to say, on the —— day of this present month of ——, he the said A. B. the now informer, did exhibit an information in writing before us the said justices, against one C. D. a maltster and maker of malt for sale at —— aforesaid in the said county, for an offence against the statute for imposing duties on malt, that is to say, fraudulently hiding, concealing, and conveying away, contrary to the statute in such case made, —— bushels of malt, by him made; and that upon the said information so exhibited before us, for the offence aforesaid, we the said justices, according to the form of the statute in such case made, did grant and issue out our summons in writing, bearing date the said —— day of ——, to summon one J. K. a necessary and material witness, to give evidence for the discovery of the truth of the matter in controversy before us, in and upon the said recited information,

personally to be and appear before us, at the place and time by us then appointed to hear and determine the matters contained in the said information, that is to say, at —— in the county aforesaid, on the —— day of this present month of ——, at eleven of the clock in the forenoon of the said last-mentioned day, then and there to give evidence for the discovery of the truth of the matter in controversy before us, and contained in the said recited information, as in and by the said proceedings remaining on record before us may appear: and the said A. B. further informeth us the said justices, that notwithstanding that afterwards, that is to say, on the —— day of this present month of ——, at —— aforesaid, he the said J. K. was duly served with the said summons, as in fact he was, yet he did not appear before us the said justices at the said time and place so as aforesaid appointed by our said summons, as by the statute in such case made he ought to have done; but so to appear before us according to the said summons the said J. K. did then and there wholly omit and neglect, contrary to the form of the statute in such case made and provided, whereby and by force of the said statute he hath forfeited for his said offence the sum of £10. of lawful money of Great Britain, and thereupon the said A. B. who as well prays the judgment &c.

Summons thereon.

To Mr. J. K.

—— to wit. We W. S. and J. C. Esquires, two of His Majesty's justices of the peace in and for the county of —— aforesaid, do hereby give you notice, that A. B. gentleman, hath before us this day exhibited an information against you for the penalty of £10. by you forfeited for neglecting to appear and give evidence before us, according to a summons issued out by us, and bearing date the —— day of —— in the year of our Lord 1817, and with which you was duly served; you are therefore hereby required personally to appear before us at —— in the town of —— in the county of ——, on —— the —— day of this instant month of ——, at eleven of the clock in the forenoon, to answer and make defence to the information so exhibited against you; but if you neglect so to do, we shall proceed as if you were personally present; and we do

further authorize and require Mr. L. M. officer of excise, or any other officer of excise, to serve this our summons, and to attend us at the time and place before mentioned, then and there to make a return thereof to us the said justices.

Given under our hands at —— in the said county, this —— day of ——, in the year of our Lord 1817.

W. S.
J. C.

[*If the Information be for refusing to be sworn and give evidence, then say*], For the sum of £10. by you forfeited for refusing to be sworn and give evidence before us, on a certain information exhibited before us by one A. B. gentleman, against C. D. maltster, for a certain offence against the laws of excise, you having been duly summoned so to do; you are therefore &c.

Appellant's Bond on appealing against Justices' Conviction.

KNOW all men by these presents, That we A. B. of &c. gentleman, and C. D. of &c. yeoman, are jointly and severally held and firmly bound to our Sovereign Lord George III. &c. in the sum of £——. [*double the forfeiture*], of lawful money of the United Kingdom of Great Britain and Ireland, current in England, to be paid to our said Lord the King, his heirs and successors, for which payment to be well and truly made we bind ourselves and each of us, our and each of our heirs, executors, and administrators, firmly by these presents. Sealed with our seals. Dated this —— day of ——, in the year of our Lord 1817.

WHEREAS by a certain conviction [*state the conviction appealed against*]; and whereas the above bounden A. B. thinking himself aggrieved by the said judgment and conviction, hath given notice of his intention to appeal against the same at the next general quarter sessions to be held in and for the said county. Now the condition of the above obligation is such, that if on hearing the said appeal the said conviction shall be affirmed, and the justices of the said general quarter sessions shall adjudge the above bounden A. B. to pay the said penalty and forfeiture of £——, or a less sum than

——, then if the above bounden A. B. and C. D. or either of them, their, or either of their heirs, executors or administrators, do and shall well and truly pay or cause to be paid unto his said Majesty, his heirs and successors, such sum of £——, or such less sum than £——, as the said A. B. shall be adjudged to pay on the hearing of the said appeal, then this obligation to be void, otherwise to be and remain in full force and virtue.

A. B.
C. D.

Sealed and delivered
in the presence of

FEES. *See* "JUSTICES OF THE PEACE."

FELONY.

Felony in its general sense comprises every species of crime which incurs a forfeiture of lands or goods, and for which capital *or other* punishment may be inflicted, according to the degree of guilt. 4 *Com.* 44.

Felony by the common law is against the life of a man, as murder, manslaughter, *felo de se, se defendendo, &c.* against his goods, as larceny and robbery; against his habitation, as burglary and arson; and against public justice, as prison breach. 3 *Inst.* 31.

In all felonies, whether new created or by common law, benefit of clergy is now allowed, unless taken away by express words of a statute, 2 *Hale, P. C.* 330. but though taken away from the principal, it is not from the accessary, unless he is par-

ticularly included in the words of the statute. 2 *Haw. P. C. c.* 33, *s.* 26.

Felons and felonies within clergy are, besides those made so by particular statutes, *bigamy, buyers and receivers of stolen goods, cheats, coiners, stealers of fish in ponds, &c. forgers of witnesses' names to transfer of stock, &c. senders of threatening letters to accuse persons of crimes, perjuries, &c.*

Felons and felonies excluded the benefit of clergy are, *arson*, and crimes under the *Black Act*, 9 *Geo. I. c.* 22, and 31 *Geo. II. c.* 42, *s.* 2, *sodomy, burglary, forgery, larcenies*, by statutes 8 *Eliz. c.* 4. —2 and 3 *Ed. VI. c.* 33.—10 and 11 *Wm. III. c.* 23.—12 *Ann*, stat. 1, *c.* 7.—22 *Car. II. c.* 5.—15 *Geo. II. c.* 27.—18 *Geo. c.* 27.—24 *Geo. II. c.* 45.—7 *Geo. III. c.* 50.—42 *Geo. III. c.* 81.—*mayhem, murder, mutiny, piracy, rape, highway robbery, sacrilege, sheep stealing*, and *maliciously shooting at another*. See *Lord Ellenborough's Act*, 43 *Geo. III. c.* 58, *shoplifting*, &c.

A felon shall pay the charges of being conveyed to gaol, if able, to be levied by distress, or by warrant of one justice, 3 *Jac. c.* 10. and 27 *Geo. II. c.* 3. if not able, to be paid out of the county rate; but if in Middlesex, by the overseers of the poor where the party is apprehended.—The court before whom any person shall have been tried and *convicted* of felony, may order the reasonable expenses of the prosecution to be paid. 25 *Geo. II. c.* 36.

Misprision of felony is the concealing a felony which a man knows, but does not consent to. 3 *Inst.* 36. and the punishment for such a crime is fine and imprisonment; but if in a peace officer, imprisonment for a year, and ransom at the King's pleasure. Stat. *Ed. I. c.* 9.

Persons apprehending and prosecuting to conviction highway robbers, shall receive a reward of £40. within one month after such conviction; and if any person should be killed in endeavouring to apprehend such robber, the reward shall be paid to his executors or administrators. 4 and 5 *Wm. and Mary, c.* 8. and as a further reward, such persons shall have the horse, furniture, arms, and money of the robber, except the same have been feloniously stolen. *s.* 6. persons apprehending and convicting burglars and house-breakers, by 5 *Ann, c.* 31, shall receive without deduction, (6 *Geo. I. c.* 23, *s.* 10), above the reward given by 10 and 11 *Wm. III. c.* 23, £40. concerning which the same rules are prescribed as are provided by 4 and 5 *Wm. and Mary, c.* 8. Any person prosecuting to conviction for privately stealing in shops, &c. to the value of 5s. shall have a certificate from the judge or justices, &c. certifying in what parish or place the felony was committed, and that the felon was discovered and taken, or discovered or taken by such person, which certificate may be once assigned and no more; and the original proprietor

or assignee shall be discharged from all parish and ward offices within the parish or ward wherein such felony was committed. *s.* 2.

Private persons may arrest felons of their own authority, or by a warrant from a justice, and every person is bound to assist an officer in taking a felon. 2 *H. P. C.*—To authorize the apprehension of a person on suspicion of felony, there should be a reasonable cause shewn. 2 *Hale's Hist. P. C.* 78. A private person cannot justify breaking a door to arrest a suspected felon, unless it afterwards appears he was a felon. 2 *Hale*, 82.

A married woman committing a felony in company with her husband, shall be excused, upon the presumption of coercion. 3 *Inst.* 310.

Information for Felony.

—— to wit. The information and complaint of A. B. of &c. in the county of ——, made on oath before me, one of His Majesty's justices of the peace for the said county, the —— day of ——, that yesterday in the night or early in the morning of this day, divers goods of him the said A. B. to wit, [*describe the goods taken*], have feloniously been stolen and carried away from the dwelling-house of him the said A. B. at —— aforesaid in the county aforesaid, and that he hath just cause to suspect and doth suspect that C. D. late of &c. feloniously did steal, take and carry the same away. And thereupon the said A. B. prayeth that justice may be done.

A. B.

Exhibited before me,
S. P.

Warrant for Felony.

To the Constable of ——.

—— to wit. Forasmuch as A. B. of —— in the county of ——, yeoman, hath this day made information and complaint upon oath before me S. P. Esq. one of His Majesty's justices of the peace for the said county, that this present day, divers goods of him the said A. B. to wit [*here describe the goods*], have feloniously been stolen, taken, and carried away from the dwelling-house of him the said A. B. at —— aforesaid in the county aforesaid, and that he hath just cause to suspect and doth suspect that C. D. late of ——, yeoman, feloniously did steal, take, and carry away the same; These are therefore, in His Majesty's name, to command you forthwith to apprehend him the said C. D. and to bring him before me, to answer unto the said information and complaint, and to be further dealt withal according to law. Herein fail you not.

Given under my hand and seal, the —— day of ——, in the year of our Lord 1817.

S. P.

Warrant for a Witness to be examined on Felony.

To the Constable of ——.

—— to wit. Whereas oath hath been made before me W. S. Esq. one of His Majesty's justices of the peace in and for the said county, by A. B. of &c. that he was lately robbed at —— &c. of divers goods, *viz.* ——, and that he hath good cause to believe that E. F. of &c. is a material witness to prove by whom the said robbery was committed. These are therefore to require you to cause the said E. F. forthwith to come before me, to give such information and evidence as he knoweth concerning the said offence, that such further proceedings may be had therein as to the law doth appertain.

Given under my hand and seal, at —— in the said county, the —— day of ——, in the year of our Lord 1817.

FIRE ARMS.

By 55 *Geo. III. c.* 59, amending an act passed 53 *Geo. III. c.* 95, for insuring the proper and careful manufacturing of fire arms in England, and for making provisions for proving the barrels of such fire arms, it is enacted, that persons using in any of the progressive stages of the manufacturing of fire arms any barrels not duly proved at the proof-house of the Gunmaker's Company, or at the proof-house established under the provisions of 53 *Geo. III. c.* 115. to forfeit not exceeding £20. *s.* 1.

Barrels to be sent direct from the manufacturers to the proof-house; and if any barrel sent for sale without being first sent to be proved, the offender to forfeit not exceeding £20. for each barrel. *s.* 2. Any person receiving barrels for the purpose of making guns, &c. without the same having passed the proof-house, shall forfeit any sum not exceeding £20. *s.* 3.

Persons having charge of the Gunmaker's Company's proof-house, to receive, prove, and duly mark all barrels of guns, &c. under a penalty of 10s. for each barrel not so proved and marked, or for delivering or permitting them to be delivered without being so proved and marked. *s.* 4.

Any person forging such proof marks, to forfeit not exceeding £20. *s.* 6. and the like penalty for

for putting proof marks on barrels not proved. *s.* 7.

All offences under this act may be heard and determined before two justices of the peace for the county, &c. where offence committed, on the oath of one or more witnesses, one half the penalty to go to the informer, and the other half to the poor of the parish where offence committed; such justices may award costs to be paid by any party, and levy such penalty and costs by warrant of distress, unless the offender give notice of appeal, and enter into recognizance with two sureties in double the amount of the penalty, to prosecute such appeal at the next general or quarter sessions of the peace; and if no sufficient distress, such justices may commit the offender to the common gaol or house of correction for any time not exceeding six calendar months. *s.* 8. Prosecution to be commenced within six months after offence committed.

Conviction of an Offender, under 55 Geo. III. c. 59.

—— to wit. Be it remembered, That on the —— day of ——, in the year of our Lord 1817, A. B. is convicted before us W. S. and J. C. Esquires, two of His Majesty's justices of the peace for the county of ——, for that the said A. B. did [*describe the offence*], contrary to the statute made in the 53rd year of the reign of King George the Third, intituled "An Act to insure the proper and careful Manufacturing of Fire Arms in England, and for making provision for proving the Barrels of such Fire Arms," and contrary to the provisions of an act passed in the 55th year of the same reign, intituled "An Act for amending an Act of His present Majesty, to insure the proper and careful Manufacturing of Fire Arms in England, and

for making provision for proving the Barrels of such Fire Arms." And we the said justices do hereby adjudge and determine the said A. B. for his said offence, to forfeit and pay the sum of £—— of lawful money of Great Britain, and do order one moiety thereof to be forthwith paid by him the said A. B. to C. D. the informer, and the other moiety thereof to the overseers of the poor of the parish of —— [*where the offence was committed*]. And we the said justices do also award and direct the said A. B. forthwith to pay to C. D. the sum of —— for costs.

Given under our hands the day and year above written.

FIRE-WORKS.

Making and selling fire-works incurs a penalty of £5. on conviction before one justice, by confession, or oath of two witnesses, to be levied by distress, one half to the poor, and half to the informer. 9 and 10 *Wm. c.* 7, *s.* 1. any person suffering the same to be fired, or cast from his house, incurs a penalty of 20s. or into any public street, house, shop, river, or highway, the like penalty; and if not paid, commitment to the house of correction for not exceeding one month, unless sooner paid. *s.* 3. No appeal is given by this act to the sessions.

Information for Selling Fire-Works.

—— to wit. Be it remembered, That on the —— day of ——, 1817, at —— in the said county, A. B. of &c. gentleman, cometh before me S. P. Esq. one of His Majesty's justices &c. and giveth me the said justice to understand and be informed, that C. D. of the town of —— in the parish of —— in the said county, shopkeeper, at his shop in the said town, on the —— day of —— last, unlawfully and against the form of the statute in that case made and provided, did utter and

sell to one E. F. certain squibs, crackers, rockets, and other fire-works, whereby the said C. D. by virtue of the said statute, hath for his said offence forfeited the sum of £5. therefore the said A. B. prayeth the judgment of me the said justice in the premises, and that he may have one half of the said forfeiture.

Exhibited &c.

The like for throwing Fire-works.

That C. D. late of —— in the said county, [*labourer*], on the —— day of ——, at the town of —— in the said county, in the public street and highway there, did unlawfully throw, cast, and fire certain fire-works, to wit, squibs, &c. against the form of the statute in that case made and provided, whereby and by force of the statute, the said C. D. hath for his said offence forfeited the sum of 20s. Wherefore he prayeth &c. [*as before*].

FISH AND FISHERIES.

Fishermen are not to use any net or engine to destroy the fry of fish; and persons using nets for that purpose, or taking salmon or trout, out of season, to forfeit 20s. to be recovered before justices of the peace. 1 *Eliz.* c. 17, and 3 *Car. I.* c. 4.— No person to take fish in any river without owner's consent, under the penalty of 10s. to the use of the poor, and treble damages to the party aggrieved, to be recovered by distress, before one justice, on the oath of one witness; for want of distress, to be committed to the house of correction for not exceeding one month, or surety of £10. not to offend again; prosecution to be commenced within one month. 22 and 23 *Car. II.* c. 25, and 4 *Wm.*

and Mary, *c.* 23. and nets, &c. of poachers may be seized by owners of rivers, by justice's warrant.—By 5 *Geo. III. c.* 14, persons stealing or destroying fish in fish-ponds, or receiving stolen fish, are to be transported for seven years. Persons taking or destroying, or attempting so to do, any fish in any river, or other water, within any enclosed ground being private property, forfeits £5. to the owner of the fishery: the penalty recoverable before one justice, on the oath of one witness. On a conviction under this act it must appear that the fishing was against the consent of the owner; the owner being the informer would however sufficiently shew his dissent. *Burr. Rep.* 2279.

The spawn of fish, or such fish as are not of a certain size, are not to be destroyed, brought on shore, or exposed to sale: persons offending, may be apprehended by any person, and delivered to a peace officer, to be conveyed to a justice, who may fine the party 20s. besides the forfeiture of the goods, to be recovered by distress, or commitment for not exceeding three months or until the penalty is paid, half to the prosecutor and half to the poor. The justice has power to mitigate not less than half; appeal allowed to the sessions. 32 *Geo. III. c.* 27, *s.* 13 to 19.

For the penalties for importing fish of foreign catching, see 1 *Geo. I. c.* 18.—9 *Geo. II. c.* 33, and 26 *Geo. III. c.* 81.

Trespassing in any oyster fishery, by catching or trying to catch oysters, is a misdemeanor, and one justice may, within thirty days, commit the offender, or bind him by two sureties in a penalty of £20. each, to appear at the sessions. 31 *Geo. III.* c. 51, *s.* 1. offender refusing to tell his name to the owner, he may take him before a justice, who shall proceed as if he had been brought by warrant. *s.* 4. but the offender shall not be committed unless owner, &c. enter into sufficient recognizance to prosecute. *s.* 5.

There are three sorts of fisheries, *viz.* free fishery, several fishery, and common of piscary.—A *free fishery* is an exclusive right of fishing in a public river, and is a royal franchise; it differs from *several fishery*, because he that has the latter must be (or derive his right from) the owner of the soil. In *common of piscary*, the person has not the exclusive right; in a free fishery a man has a property in the fish before caught, in common of piscary not till afterwards. 1 *Inst.* 122.

Information for Stealing Fish from a Pond, in a Garden adjoining a Dwelling-house.

—— to wit. Be it remembered, That on the —— day of ——, 1817, at —— in the county aforesaid, A. B. of &c. gentleman, cometh before me S. P. Esq. one of His Majesty's justices &c. and on his oath giveth me the said justice to understand and be informed, that one C. D. of &c. [*labourer*], on the —— day of —— last, feloniously did steal, take, and carry away three carp and four tench, of the value of ——, from and out of a certain pond in the garden of the said A. B.

adjoining to and belonging to the dwelling-house of the said A. B. situate in the parish of —— in the said county of ——, contrary to the form of the statute in that case made and provided, whereby the said C. D. hath for the said offence forfeited the sum of £5. wherefore the said A. B. prayeth the judgment &c.

S. P.

Commitment thereon.

To the Constable of ——, and to the Keeper of the Common Gaol at —— in the said county.

—— to wit. Whereas C. D. was this day brought before me S. P. Esq. one of His Majesty's justices of the peace in and for the said county, and charged, on the oath of A. B. and others, for that he the said C. D. on the —— day of —— last, feloniously did steal, take, and carry away certain fish belonging to the said A. B. that is to say, three carp and four tench, of the value of ——, from and out of a pond in the garden of the said A. B. adjoining, and belonging to the dwelling-house of the said A. B. situate at —— in the parish of —— in the said county of ——. These are therefore &c.

Information on Oath before one Justice, for Fishing in a River without consent of the Owner of the Fishery, under 5 Geo. III. c. 14.

—— to wit. Be it remembered, That on the —— day of ——, in the year of our Lord 1817, at —— in the county of ——, A. B. of ——, [*labourer,*] on behalf of C. D. the owner of the fishery of a part of the river of ——, which runneth in the lands of ——, in the township of —— in the county of ——, before me S. P. Esq. one of the justices of our said Lord the King, assigned to keep the peace of our said Lord the King in and for the said county, and also to hear and determine divers trespasses, felonies, and other misdemeanors in the said county committed, and upon oath to him by me now here administered upon the Holy Gospels of God, giveth me the said justice to understand and be informed, that on the ——

day of —— instant, at the township of —— aforesaid, in the county aforesaid, E. F. of ——, did attempt to take, kill, and destroy the fish in that part of the said river —— which runneth in the lands of the said C. D. in the township of —— aforesaid, in the county aforesaid, without his authority, and without and against his consent, contrary to the form of the statute in that case made and provided, he the said C. D. being then and there owner of the said part of the said river and of the fishery of the same, and he the said E. F. not then and there having any just right, or any just, reasonable, or probable claim or cause to take, kill, carry away, or destroy any of the fish in that part of the said river, or to attempt to take, kill, or destroy any fish in that part of the said river, and the said part of the said river wherein the said fish were so attempted to be taken, killed, and destroyed by the said E. F. as aforesaid not then being in any park or paddock, or in any garden, orchard, or yard adjoining or belonging to any dwelling house, but then being in other inclosed grounds then being the private property of the said C. D. at the township of —— aforesaid, in the county aforesaid, whereby, and by force of the statute in that case made and provided, the said E. F. hath forfeited for the said offence the sum of £5. to the said C. D. the owner of the fishery aforesaid, whereupon the said A. B. on behalf of the said C. D. the owner of the fishery aforesaid, prayeth the judgment of me the said justice in the said premises, and that the said E. F. may be forthwith apprehended and brought before me to answer the said complaint.

Exhibited and sworn at —— aforesaid, the —— day of ——

Warrant thereon.

To the Constable of —— in the county of ——.

—— to wit. Whereas information and complaint on oath hath been made on behalf of C. D. the owner of the fishery of the part of the river —— which runneth in the lands of the said C. D. in the township of —— in the said county of ——, before me S. P. Esq. one of His Majesty's justices of the peace in and for the said county of ——, that on &c. [*as in the information, verbatim, to the words* "at the township of —— aforesaid, in the county of —— aforesaid," *then say*], These

are therefore to require you to apprehend the said E. F. and bring him before me the justice aforesaid, to answer the said complaint and to be further dealt with according to law.—Herein fail not.

Given under my hand and seal, the —— day of ——, in the year of our Lord 1817.

Warrant to search suspected House for Fishing Nets.

To the Constable of ——.

—— to wit. Whereas complaint hath been made upon oath before me, that several carp, tench, &c. [*as the fact is*], have lately been destroyed in the fish pond [or *as the fact is*], belonging to C. D. of ——, supposed to be done by some idle and ill-disposed person in your parish, and that E. F. residing at —— within your said parish, does keep nets, leaps, or other instruments and engines for the destruction of fish, not being qualified by law to do the same. These are therefore, in His Majesty's name, to require and authorize you to enter into and search the houses, out-houses, and other suspected places of the said E. F. at —— within your said parish, and to seize the nets or other instruments for the destruction of fish that you shall find in his custody, and bring him before me, or some other of His Majesty's justices of the peace for the said county, to be dealt with according to law.

Given under my hand and seal, the —— day of ——, in the year of our Lord 1817.

FORCIBLE ENTRY AND DETAINER,

Is the violently and illegally taking or keeping possession of lands or tenements, with arms, &c. whereby the right owner is hindered. A justice, on complaint by the party aggrieved, of a forcible entry, and at his costs, shall within a convenient time take sufficient power of the county, and go to the place where such force is made, without exami-

nation of the right or title of either party. 8 *H. VI.* c. 9. *Dalt.* c. 44. and if the door be shut he may cause it to be broken open, and on entry he may cause the offenders to be arrested, and should make a record of such force by him viewed, which shall be a sufficient conviction of the offenders; but if offenders being in the house make no resistance, then the justice can neither arrest or remove them on his view, and the party cannot be ousted unless the *force* be found by the inquiry of a jury, the justice may by precept summon a jury, and if defendant tender a traverse in writing, a jury returned by the sheriff shall try it; and if such forcible entry and detainer be found, then the justice shall cause the lands, &c. to be restored,—this he may do in his own person, or by warrant to the sheriff; but after a *certiorari* to remove an inquisition of forcible detainer, the justices cannot award a restitution. 1 *Salk.* 151. If a forcible entry is made by three or more persons, it is a riot, and may be punished as such. *Dalt.* 1, 44.

Mittimus for a forcible Detainer.

S. P. Esq. one of the justices of our Sovereign Lord the King, assigned to keep the peace of our said Sovereign Lord the King, in and for the said county of ——, and also to hear and determine divers felonies, trespasses, and other misdemeanors in the said county committed, to the keeper of His Majesty's gaol at —— in the said county, and to his deputy there, or to either of them greeting.

—— to wit. Whereas upon complaint this day made unto me, by A. B. of —— in the said county, yeoman, I the said

justice did immediately go to the dwelling house of the said A. B. at —— aforesaid, in the county aforesaid, and there found, upon mine own view, C. D. late of ——, [*labourer*,] E. F. late of the same place, [*labourer*,] and G. H. late of ——, [*carpenter*,] forcibly, with strong hand and armed power holding the said house against the peace of our said Lord the King, and against the form of the statute in such case made and provided; Therefore I send you by the bringers hereof, the bodies of the said C. D. E. F. and G. H. convicted of the said forcibly holding, by mine own view, testimony, and record; commanding you, in his said Majesty's name, to receive them into your said gaol, and there safely to keep them and every of them respectively, until they shall have respectively paid the several sums of £10. of good and lawful money of Great Britain to our said Sovereign Lord the King, which I have set and imposed upon every of them, separately, for a fine and ransom for their said trespasses respectively. Herein fail you not, on the pain that will thereon ensue.

Given at —— aforesaid, in the county aforesaid, under my hand and seal, the —— day of ——, in the 57th year of the reign of our said Sovereign Lord King George the Third.

Record of a forcible Detainer, on view of Justices.

—— to wit. Be it remembered, That on the —— day of ——, in the 57th year of our Sovereign Lord George the Third, of Great Britain and Ireland King, Defender of the Faith, at —— in the county of —— aforesaid, A. B. complains to us J. C. S. P. and W. S. Esquires, three of the justices of our said Lord the King, assigned to keep the peace in the said county, and also to hear and determine divers felonies, trespasses, and other misdemeanors in the said county committed, that C. D. late of ——, E. F. late of ——, and G. H. late of ——, into the messuage of him the said A. B. being the mansion house of him the said A. B. called ——, situate within the parish of —— aforesaid, did enter, and him the said A. B. of the messuage aforesaid, whereof the said A. B at the time of the entry aforesaid was seized as of the freehold of him the said A. B. for the term of his life, unlawfully ejected, expelled, and removed, and the said messuage from him the said A. B. unlawfully, with strong hand and armed power do yet hold and

from him detain, against the form of the statute in such case made and provided; whereupon he the said A. B. then, to wit on the said —— day of ——, at the parish of —— aforesaid, prayeth of us so as aforesaid being justices, that a due remedy be provided, to him in this behalf, according to the form of the statute aforesaid, which complaint and prayer by us the aforesaid justices being heard, we the aforesaid J. C. S. P. and W. S. Esquires, justices aforesaid, to the messuage aforesaid personally have come, and do then and there find and see the aforesaid C. D. E. F. and G. H. the aforesaid messuage with force and arms, unlawfully, with strong hand and armed power detaining, against the form of the statute in such case made and provided, according as he the said A. B. hath unto us complained. Therefore it is considered and adjudged by us the aforesaid justices, that the aforesaid C D. E. F. and G. H. of the detaining aforesaid with strong hand, by our own proper view then and there as aforesaid had, are convicted and every one of them is convicted according to the form of the statute aforesaid; wherefore we the justices aforesaid, upon each of the aforesaid C. D. E. F. and G. H. do set and impose severally a fine of £10. of lawful English money, to be paid by them and every of them severally, to our Sovereign Lord the King, for the said offence, and do cause them and every of them to be arrested; and the said C. D. E. F. and G. H. being severally convicted upon our proper view of the detaining aforesaid with strong hand, by us the aforesaid justices are committed and every of them is committed, to the common gaol of our said Lord the King, at —— in the county aforesaid, being the next gaol to the messuage aforesaid, there to abide respectively, until they shall have paid their said several fines to our said Lord the King for their offences aforesaid, concerning which the premises aforesaid we do make this our record. In witness whereof we the aforesaid J. C. S. P. and W. S. Esquires, the justices aforesaid, to this record do set our hands and seals, at —— in the county aforesaid, this —— day of ——, in the year of our Lord 1817.

J. C.
S. P.
W. S.

FRAME-WORK KNITTERS, &c.

Frame-work knitted pieces and stockings made of thread, worsted, or yarn, or other materials, except silk only, to be marked with as many eyelet holes as there are threads in each piece or pair, under penalty of forfeiture of the goods, and £5. for each piece or pair, to be recovered before one justice, by distress; and in default commitment not exceeding three months, or until penalty is paid, and the like penalty for selling pieces, &c. not marked as above, half the penalty to the informer, and half to the poor. Appeal allowed to the sessions, on giving ten days notice to the justice, and entering into recognizance to try it. 6 *Geo. III. c.* 29, *s.* 1 to 12.

By 52 *Geo. III. c.* 16, persons guilty of destroying frame-work knitted pieces, &c. or machines used in such manufacture, are declared guilty of felony, without benefit of clergy, and to suffer death; but this act by 54 *Geo. III. c.* 42, is repealed, and persons guilty of the said offences shall be transported for life, or not less than seven years, at the discretion of the judge before whom they shall be tried.

FRIENDLY SOCIETIES.

The rules of friendly societies to be exhibited to the justices at quarter sessions, who may annul or confirm them. Rules to be signed by the clerk of the peace and deposited with him. 33 *Geo. III. c.* 54, *s.* 1, 2.—No confirmed rule to be altered or

repealed but at a general meeting of the society, to be convened for that purpose, and which proposed alterations shall be publicly read on the two usual meetings of such society held next before such general meeting; such alterations to be subject to the like review of the quarter sessions; the rules to be entered in a book and may be received in evidence. *s.* 13.

When members think themselves aggrieved, two justices on complaint may summon officers, and on hearing the parties can make such order as they judge reasonable, which is not removable by *certiorari;* but if provision is made in the rules to refer disputes to arbitration, it takes the jurisdiction of the justices away. *s.* 16.

The clause of this act, declaring no member of a benefit society liable to be removed to his last place of settlement unless actually chargeable. *s.* 17. and all the subsequent directions connected with it, are rendered unnecessary by the general operation of 35 *Geo. III. c.* 101, which directs that no person shall be removed till actually chargeable.

By 49 *Geo. III. c.* 125, any member of a society established under 33 *Geo. III. c.* 54, transgressing the rules thereof, may be summoned before two justices residing within the county, on complaint exhibited on the oath of any member, and on appearance or default, on due proof of service of the summons, such justices may hear and determine the complaint according to the rules, and make such order as shall be just; and if they ad-

judge any sum of money to be paid, they may by warrant of distress levy the same with costs; if complaint is made by any member of relief to which he shall be entitled by the rules, being refused him by the society, the officer may be summoned, and on his appearance, or in default, justices may hear and determine the complaint, and award such sum to the complainant as may be reasonable, with any sum not exceeding 10s. for costs; and if the same is not paid, justices may levy the same by warrant of distress and sale of monies, goods, &c. of the society; if no distress, then to be levied on the goods, &c. of the officer neglecting or refusing, together with costs; but money so levied on officer's goods to be re-paid by the society. *s.* 3. All orders made by justices to be made on the officers of the society, and summons served on them to be binding on the society. *s.* 4. Every such order or adjudication of the justices to be binding and conclusive. *s.* 5.

To enrol articles of friendly societies it is advisable to procure two magistrates out of sessions to sign their assent to their being enrolled, as follows:—"We, two of His Majesty's justices of the peace acting in and for the division or hundred of —— in the county of ——, have perused and do approve of the foregoing rules and orders, and do consent to the same being enrolled pursuant to the act of parliament in that case made and provided. Dated this —— day of ——." When so done, get the rules fairly copied on parchment and taken to

the sessions, with the magistrates' approved copy, and the clerk of the peace will enrol them.

Should it be necessary at any time to amend the rules of a friendly society, the following form will serve for that purpose; and when the proposed amendments or alterations are added, it must be written on parchment and enrolled in the same manner as the original rules.

Alterations and Amendments to the Rules and Orders of the Society called ——, now held at the sign of the ——, in —— in the county of ——.

Whereas it is deemed expedient that certain alterations should be made to the Rules and Orders of the above society, (which were allowed and confirmed at the general quarter session of the peace, held in and for the county of ——, on —— the —— day of ——, 1817,) and a general meeting of the members convened by the secretary, in pursuance of a requisition for that purpose from several members of the said society, having been held at the sign of ——, at —— aforesaid, on —— the —— day of ——, 1817, for the purpose of taking the same into consideration;—The following alterations and additions to the said Rules and Orders were unanimously agreed to by the members then and there present, the said alterations and additions having also been unanimously agreed to at two usual meetings of the said society, on the —— day of ——, and the —— day of ——, held next before such general meeting, and are as follows:—[*copy the alterations.*]

Information and Complaint by a Member of a Friendly Society.

—— to wit. Be it remembered, That on the —— day of ——, 1817, at —— in the said county, A. B. of the parish of ——, [*baker,*] personally cometh before us J. C. and S. P. Esquires, two of His Majesty's justices &c. and upon his oath complaineth unto us that he the said A. B. is a member of a certain friendly society, called ——, established at the said

parish of ——, in the said county, under and by virtue of the statutes in that case made and provided, and that by the rules of the said society every member thereof when sick or infirm is entitled to be paid the sum of —— weekly and every week during such sickness and infirmity, out of the funds of the said society, by the stewards thereof. That this informant hath for the space of one month last past been very sick and infirm and unable to work, and that he hath repeatedly applied to C. D. steward of the said society for payment of the said weekly sum, payable to him during his said sickness and infirmity, but hath been refused the same; wherefore the said A. B. prays judgment of us the said justices in the premises, and that the stewards of the said society may be summoned to answer the premises, according to the directions of the statute in such case made and provided.

A. B.

Exhibited before us, the
day and year aforesaid,
J. C.
S. P.

Summons thereon.

To Mr. K. L. Steward of the Friendly Society, called ——, at —— in the county of ——.

—— to wit. Whereas A. B. of &c. [*baker,*] a member of your society, hath this day made complaint upon oath before us, two of His Majesty's justices &c. that for this month last past he hath been very sick and infirm, and that during such sickness and infirmity he is entitled to be paid by you, out of the funds of the said society, as a member thereof, the sum of —— weekly, which sum, on request, you have refused to pay him; These are therefore, in His Majesty's name, to summon you to appear before us, at this place, on —— the —— day of —— instant, at eleven o'clock in the forenoon, to answer the said complaint; and you are hereby also required to produce before us, the rules, orders, and regulations of the said society, now in force.

Given under our hands at —— in the said county, the —— day of ——, 1817.

J. C.
S. P.

Information in the Case of a Member unjustly expelled.

—— to wit. Be it remembered [*as in preceding information*], That he the said A. B. is a member of the friendly society called ——, held in the parish of —— in the county aforesaid, the rules whereof are duly enrolled and confirmed agreeable to the statutes in that case made and provided, and that he, the said complainant, was at a meeting of the said society, held on the —— day of —— last, at the sign of ——, in the said parish of ——, in the county aforesaid, without any sufficient cause, unjustly, illegally, and contrary to the purport, true intent, and meaning of the rules of the said society, by the members thereof, then and there present, excluded from the said society, and all benefit and advantage which he hath a right to have or claim therefrom; and hereupon the said A. B. prayeth judgment of us in the premises, and that K. L. and M. N. the stewards of the said society may be summoned to answer the said complaint.

Sworn before us,
W. S.
S. P.

The summons to the stewards may be in the same form as the one preceding, varying the offence.

Justices adjudication of Re-admission.

To K. L. and M. N. Stewards of the Friendly Society called ——, held at the sign of the ——, in the parish of —— in the county of ——.

—— to wit. Whereas A. B. of the parish of ——, [*baker,*] in his proper person, on the —— day of —— now last past, in the 57th year of the reign of our Sovereign Lord George the Third, by the Grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, at —— in the county aforesaid, made an information and complaint upon oath, before us, W. S. and

S. P. Esquires, two of the justices of our said Lord the King, assigned to keep the peace of our said Lord the King within the said county of ——, and also to hear and determine divers felonies, trespasses, and other misdemeanors within the said county committed, whose names are hereunto set, and seals affixed, and residing near the parish of —— aforesaid, where the said society was established, and which oath we the said justices did then and there administer to him the said A. B. by which said information and complaint on oath aforesaid, the said A. B. deposed and said, that he the said A. B. then was a member of a certain friendly society called ——, held at the sign of ——, in the parish of —— aforesaid in the county aforesaid, the rules, orders, and regulations of which said society had been exhibited in writing to the justices of our said Lord the King, assigned to keep the peace of our said Lord the King within the said county of ——, at the general quarter sessions of the peace holden in and for the said county, and by the said justices at their said sessions, after due examination, allowed and confirmed, and afterwards signed by the clerk of the peace at the said sessions, pursuant to the statute in that case made and provided; and that he the said A. B. had been a member of the said society for the space of —— years and upwards, and that he had for —— years then passed, or thereabouts, been lame, and thereby rendered incapable of working at his calling; that he then did continue so, and that he had, during the time he was so lame, received the allowance from the said society until the month of —— then and now last, on the club night of which month the members of the said society refused to pay him any further allowance, declined accepting his contribution money, and unjustly excluded him from the said society; and thereupon he prayed that justice might be done to him in the premises. And whereas on —— the —— day of ——, in the year aforesaid, at —— in the county aforesaid, K. L. and M. N. two of the stewards of the said society, pursuant to our summons issued for that purpose, and also O. P. a member of the said society, appeared before us the said W. S. and S. P. and also J. C. one other of the justices of our said Lord the King, assigned to keep the peace of our said Lord the King within the said county of ——, and also to hear and determine divers felonies, trespasses, and other misdemeanors within the said county committed, and also residing near the parish of —— aforesaid,

where the said society was established, and the said A. B. being also then and there present, we the justices aforesaid did then and there proceed to hear and determine, and did hear and determine the matter of the said complaint, according to the true purport and meaning of the rules, orders, and regulations of such society, confirmed by the justices, according to the direction of the said statute; and thereupon we do order, and adjudge, by virtue of the said statute, that the said A. B. be re-admitted into the said society, and into all the benefits and advantages arising therefrom; and we do order and require you the stewards and members of the said society to re-admit the said A. B. into the said society, and unto all the benefits arising therefrom accordingly.

Given under our hands and seals, at —— aforesaid, in the county aforesaid, the —— day of ——, in the said 57th year of the reign of our Sovereign Lord George the Third, by the Grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, and in the year of our Lord 1817.

W. S.
S. P.

FRUIT AND FRUIT TREES. *See* "WOOD."

GAME.

Persons qualified to kill game by 22 and 23 *Car. II. c.* 25, are as follows.

1. Every person having lands or tenements, or other estates of inheritance, of the clear yearly value of £100.

2. Or for life or a lease or leases for 99 years, or longer term, of the clear yearly value of £150.

3. The sons and heirs apparent of esquires, or other persons of higher degree.

4. The owner or keeper of any forest, park, close, or warren.

5. The lord of a manor or royalty.

6. The game-keeper of a lord or lady of the manor.

On a question as to a qualification for killing game, the justices may ground their opinion of his not being qualified, on the proof that the defendant had sworn under the income act to an estate under £100. a year. 8 *T. R.* 220. An estate where rents are reduced below £100. a year, by paying interest of a mortgage, gives no qualification. 6 *T. R.* 221.

By 5 *Ann*, *c.* 14, *s.* 4, (made perpetual by 9 *Ann*, *c.* 25,) it is enacted, that if any person not so qualified shall keep or use any greyhounds, setting dogs, lurchers, tunnels, or any other engines to kill and destroy game, and shall be thereof convicted on the oath of one witness by a justice of the peace where offence committed, he shall forfeit £5. one half to the informer, and the other half to the poor of the parish, to be levied by distress, by warrant of the said justice; for want of distress the offender to be sent to the house of correction for three months for the first offence, and four months for the second offence: any justice of the peace, or lord or lady of manors, within their manors, are allowed to take away any hare or other game from any higgler, chapman, innkeeper, victualler, or carrier, and any person not qualified, and also any dogs, nets, or engines, which shall be in the custody of any person not qualified to keep

the same. The informer cannot be the witness. 2 *Ld. Ray.* 1545.

It has been held that an unqualified and unlicensed person may join in the sport with a person lawfully entitled to kill game, if he is not himself a principal, or using his own dogs. 4 *Esp. Rep.* 215. an unqualified man may go out with hounds belonging to a qualified person. 15 *East's Rep.* 460. and may course a hare with a qualified owner of dogs. 16 *East's Rep.* 49. Only one penalty can be recovered, though several persons offend by going to kill a hare. 2 *T. R.* 713.

A conviction under 5 *Ann, c.* 14, for keeping a dog and gun to kill game without being qualified, must be made within three months after offence committed. 3 *E. R.* 467. No *certiorari* allowed to remove proceedings, unless the convicted party become bound to the prosecutor in £50. and such sureties as the convicting justice shall think fit. To pay costs in fourteen days after conviction confirmed, or *procedendo* granted.

Goods distrained for penalties under the game laws cannot be replevied. 1 *Str. Rep.* 567.

By 22 and 23 *Car. II., c.* 25, *s.* 2. game-keepers (or any other person by warrant of a justice) are authorized to search in the day time houses or other places of persons prohibited by this act to keep or use dogs, nets, or other engines, and seize and keep the same for the use of the lord of the manor, or cut and destroy the said nets, &c.

By 4 and 5 *W. and M. c.* 23, every constable, headborough, and tithing-man, being authorized by one justice of the peace, may enter and search the houses of persons not qualified, and in case any hare, partridge, pheasant, pigeon, fish, fowl, or other game, shall be found, the offender to be taken to a justice; and if such person do not give a good account how he came by such game, or shall not in a convenient time to be named by such justice, produce the party of whom he bought the same, or produce some credible person to make oath as to the sale thereof, he shall be convicted, and shall forfeit for every hare, partridge, pheasant, pigeon, fish, fowl, or other game, any sum not under 5s. nor more than 20s. one moiety to the informer, and the other to the poor of the parish where the offence is committed, to be levied by distress, by warrant of a justice; for want of distress, the offender to be committed to the house of correction for a time not exceeding one month, nor less than ten days, there to be whipped and kept to hard labour; and if any person so produced or charged with the offence shall not give sufficient evidence of his innocence, he shall be convicted in the same manner as the person first charged.

Carriers, innkeepers, or others having any hare, partridge &c. in their possession, to forfeit £5. for each; to be recovered before one justice on view, or oath of one witness, half the penalty to the poor, and half to the informer; if the penalty be not

paid, a warrant of distress may issue, and in default of distress, commitment to the house of correction for three months for first offence, and for every other offence four months. 5 *Ann*, *c.* 14, *s.* 2.

If any hare, pheasant, partridge, moor, heath-game or grouse shall be found in the shop, house, or possession of any person whatsoever not qualified, the same shall be adjudged to be an exposing to sale within the meaning of the act. 5 *Ann*, *c.* 14, and 9 *Ann*, *c.* 25, *s.* 2.

By 28 *Geo. II. c.* 12, if any person, whether qualified or not, shall sell, expose or offer to sale any hare, pheasant, partridge, moor, heath-game or grouse, he shall be subject to the same penalties as are inflicted by 5 *Ann*, *c.* 14, on higglers, chapmen, &c. for buying, selling or offering game for sale. *s.* 1.

If any hare, &c. shall be found in the shop, house, or possession of any poulterer, salesman, fishmonger, cook or pastry-cook, it shall be deemed an exposing to sale, within 5 *Ann*, *c.* 14, *s.* 2.

For better discovering such higgler, &c. it is enacted that any person that shall destroy, sell or buy any hare, &c. and shall in three months make discovery of any higgler, &c. that hath bought, sold or offered to sale, or had in their possession any hare, &c. so that he or they shall be convicted, such discoverer shall be discharged from the penalties inflicted for killing or selling game, and shall be

entitled to receive the reward as an informer. 28 *Geo. II. c.* 12, *s.* 3.

The penalties inflicted by the foregoing acts relate to such persons only as are not qualified under 22 and 23 *Car. II.* Those which are noticed hereafter relate (unless otherwise stated) as well to persons who are, as those who are not qualified.

The acts 25 *Geo. III. c.* 50, and 48 *Geo. III. c.* 55, imposing penalties for not taking out game certificates, are materially altered and modified by 52 *Geo. III. c.* 93, by which it is enacted, that every person who shall use any dog, gun, net or other engine for the purpose of taking or killing any game, woodcock, snipe, quail or landrail, or any conies, shall pay annually £3 13 6. and take out a certificate which shall continue in force until the 5th day of April next after the issuing thereof, and no longer. *Rule* 1, *sch. L.* such certificate not to authorize unqualified persons to kill game.

If any person shall be found using any dog, gun, &c. by any assessor or collector of the parish where any such person shall then be, such assessor, &c. or other persons assessed, or the owner, landlord, lessee or occupier of land as aforesaid, may demand from the person so using such dog, &c. the production of a certificate, which certificate every such person is required to produce to the person demanding it, and permit him to read the same, and take a copy thereof; or in case no certificate shall be produced, then such person demanding

the same may require the person so using such dog, &c. to declare to him his christian and surname and place of abode, and the parish or place in which he is assessed; such person refusing to do so, or giving a false name and residence, to forfeit £20. *s.* 11.

Any person after the 5th of April, 1813, using any dog, gun, &c. without having such certificate, to forfeit £20. over and above the duty.

Two commissioners or one justice on information of any offence committed in the district where they act, may (within three months after offence committed) summon the accused party and witnesses to appear before them, and proceed to determine the matter in a summary way, and give judgment for the penalty, or mitigate the same (not more than a moiety), and in default of payment may levy the same with costs by warrant on the goods of the offender, and sell such goods, unless redeemed within four days; if no goods, the offender may be committed to the house of correction for any time not exceeding six calendar months, unless penalty sooner paid. *s.* 13.

Appeal allowed to the quarter sessions, on the party aggrieved giving security in double the amount of the penalty.

Witnesses summoned to give evidence and not appearing, to forfeit £10. *s.* 14.

By 54 *Geo. III. c.* 141, such of the duties in 52 *Geo. III. c.* 93, as relate to persons assisting or

intending to aid and assist in taking or killing any game, woodcock, snipe, quail, landrail, or coney, shall from and after July 27, 1814, cease and determine, provided the assistance is given to one who has obtained a certificate, and who shall by virtue thereof use his own dog, &c. and who shall not act by virtue of any deputation or appointment.

By 9 *Ann*, *c.* 25, *s.* 4, driving or taking away any wild duck, teal, widgeon, or other water fowl in any fens, &c. in the moulting season, *viz.* (by 10 *Geo. II. c.* 32) between the first of June and the 1st of October, incurs a penalty of 5s. on conviction before a justice.

And by 2 *Geo. III. c.* 19, *s.* 1, and 39 *Geo. III. c.* 34, no person shall take, kill, destroy, carry, sell, buy, or have in his possession between the 1st day of February and the 1st day of September any partridge, or any pheasant between the first day of February and the 1st day of October, under a penalty of £5. for every partridge or pheasant so taken, to be paid to the informer, with costs.

Killing, buying, selling, or having in possession heath-fowl, called black game, between the 10th of December and the 20th of August, or grouse, called red game, between the 10th of December and the 12th of August, or bustards between the 1st of March and the 1st of September, incurs a penalty for the first offence of not more than £20. nor less than £10. and for every other offence not less than £20. nor

more than £30. 13 *Geo. III. c.* 55. half the penalty to the informer, and half to the poor, to be recovered by distress, before one justice, on the oath of one witness; for want of distress commitment from three to six calendar months. Appeal allowed to the sessions. For the further preservation of black game and grouse, it is enacted by 4 and 5 *W. and M. c.* 23, *s.* 11, that no person shall between the 2nd of February and 24th of June burn any grig, link, heath, furze, gorse or fern on any mountain, moor, chase, forest, or other waste, on pain of the offender being committed to the house of correction for not exceeding one month, nor less than ten days, there to be whipped and kept to hard labour.

Killing game in the night, *viz.* between seven at night and six in the morning, from the 12th of October to the 12th of February, and between nine at night and six in the morning, from the 12th of February to the 12th of October, or at any time on a Sunday or Christmas-day, the penalty for the first offence from £10. to £20. and from £20. to £30. for second offence. 13 *Geo. III. c.* 80. for third offence, commitment till the next sessions, unless he enters into sureties to appear. *Ibid. s.* 1. half the penalty to the informer, and half to the poor, to be recovered by distress, and in default commitment for three calendar months; but appeal to the quarter sessions allowed. *s.* 4.

Any person taking, killing or destroying any

hare, pheasant, partridge, heath-game or moor-game on Sunday or Christmas-day, or shall use any dog, &c. for that purpose, shall be subject to the same penalties as persons convicted of destroying game in the night. *s.* 6.

By 30 and 40 *Geo. III. c.* 50, if more than two persons go with guns, nets, &c. to destroy game between eight at night and six in the morning from the 1st of October to the 1st of February, or between ten at night and four in the morning from the 1st of February to the 1st of October, or any persons found with fire-arms, or other weapons, may be apprehended by owners, keepers, &c. who shall deliver them to peace officers to be taken before a justice, or he may issue his warrant, and if convicted to be deemed a rogue and vagabond, and punished accordingly.

Game-keepers must take out an annual certificate with the clerk to the commissioners.

By 14 and 15 *Hen. VIII. c.* 10, tracing or killing hares in the snow, incurs a penalty of 6*s.* 8*d.* for each hare.

By 1 *Jac. I. c.* 27, whoever shall trace or course hares in the snow, shall on conviction before two justices, by confession or oath of two witnesses, be committed to gaol for three months, unless he pay to the churchwardens, for the use of the poor, 20*s.* for every hare so taken or destroyed, or shall after one month after commitment become bound with two sureties in £20. each before two justices not to

offend again, and the like penalties are incurred for destroying them with gins, &c.

By 22 and 23 *Car. II. c.* 25, persons setting snares, &c. shall on conviction by confession or oath of one witness, before one justice, within one month after offence committed, give such satisfaction to the injured party as justice shall appoint, and also pay to the overseers for the use of the poor a sum not exceeding 10s. or be committed to the house of correction for not exceeding one month.

By 16 *Geo. III. c.* 30, justices on oath may issue warrants to search for any red or fallow deer, or the head, skin, &c. or any engine, &c. and cause the person on whose premises they are found, to come before him, and if the same is not satisfactorily accounted for, may fine him from £10. to £30. *s.* 4. any person through whose hands the same have passed, is liable to the same penalties.

Keepers of forests, &c. may seize any person discovered hunting, coursing, &c. deer in any forest, &c. and carry him before a neighbouring justice.

Pecuniary penalties to be recoverable before one justice, on confession or oath of one witness, one moiety to the King, and the other to the informer; if not paid, distress, and for want thereof, commitment to gaol for one year, unless the penalty is sooner paid. *s.* 11. and if it appear by con-

fession or otherwise, that the party hath no goods, then the justice may proceed as if distress warrant was issued and *nulla bona* returned. *s.* 12.

By 42 *Geo. III. c.* 107, persons hunting, taking, killing or wounding deer in inclosed parks, without authority, are declared guilty of felony, and any person who shall commit any of the offences in the uninclosed part of any such park, forest, &c. shall forfeit £50. *s.* 2.

By 51 *Geo. III. c.* 120, convicting justice may mitigate the penalty of £50. in last recited act, to not less than £20. at his discretion.

By 3 *Jac. I. c.* 13, if any person shall by night or day unlawfully enter into any park or inclosed ground for keeping conies, and hunt, take, chase or slay the same, he shall suffer three months imprisonment, and pay treble damages and costs, to be assessed by the convicting justices, and find security for his good behaviour for seven years, or be imprisoned till he does; and by 22 and 23 *Car. II. c.* 25, hunting, chasing or killing conies in warrens, &c. not inclosed, on conviction within one month, by confession or oath of one witness, before one justice, the offender to pay treble damages and costs, and suffer three months imprisonment, and so long after till he finds sureties for his good behaviour; killing conies in the night on the borders of warrens (except by the owner or lawful possessor of the warren whereon they are killed) incurs a penalty of 10s. to the use of the poor, or

in default, commitment to the house of correction for not exceeding one month, and also such satisfaction as justices shall award.

By 1 *Jac. I. c.* 27, if any person shall shoot at or otherwise destroy pigeons, he shall on conviction before two justices, by confession or oath of two witnesses, be committed to gaol for three months, or pay to the churchwardens for the use of the poor 20s. for each pigeon, or within one month after commitment become bound with two sureties in £20. each, not to offend again.

By 2 *Geo. III. c.* 29, persons killing or taking with intent to kill pigeons, to forfeit 20s. to the person prosecuting, on conviction by confession or oath of one witness before one justice; if not forthwith paid, the offender may be committed to the common gaol or house of correction, and kept to hard labour for not more than three calendar months nor less than one.

No person to be convicted under both acts, and prosecution to be commenced within two months after offence committed.

A person may, notwithstanding the provisions of these acts, lawfully kill such pigeons as he shall find devastating his corn. *Cro. Jac.* 496.

Form of Information to be exhibited before two Commissioners, or one Justice of the Peace, being a Commissioner, on 52 Geo. III. cap. 93, sched. L. rule 12. *for using a Dog, Net, Gun, &c. without having taken out a Certificate.*

—— to wit. The information and complaint of A. B. of ——, made before us, two [*three or more as the case may be (one is not sufficient); or if before one justice say "before me one of His Majesty's justices of the peace of and for the county, (riding, city, town, &c. as the case may be,) and also one of the commissioners" &c.*] of the commissioners for executing an act made and passed in the 52nd year of the reign of His present Majesty, intituled "An Act for granting to His Majesty certain new and additional Duties of Assessed Taxes, and for consolidating the same with the former Duties of Assessed Taxes," and the several other acts relating to the said duties of assessed taxes, appointed to act as such commissioners [or "*commissioner,*" *if before one justice he being a commissioner*], in the district [or *division, as the case may be*] of ——, on the —— day of ——, in the 57th year of the reign of our Sovereign Lord George the Third, at the parish of —— in the district [or *division, as the case may be*] aforesaid, and in this county of ——, who saith that C. D. of the parish and county aforesaid, on the —— day of ——, and within three calendar months before this day, and after the 5th day of April in the year of our Lord 1813, at the parish of ——, in the county aforesaid, did use a dog [*gun, net, or other engine, as the case may be, describing the engine by name; but if for woodcocks or snipes, the use of nets or springes is exempted from the penalty*], for the purpose of taking and killing game [*woodcock, snipe, quail, or landrail or conies. If for conies, add after the word there, "in a certain place, not being an inclosed ground, and he the said C. D. not being the proprietor of any warren, nor the tenant of any lands, nor using the same for the purpose aforesaid by the direction or command of any proprietor of a warren, or of the tenants of any lands," as the case may require*] there, [or *did take, or did kill, by means of a (describe the means) game* (or *woodcock &c.*); or *did assist in the taking or in the killing, as the case may require, by means*

of a (describe the means) game, or woodcock &c.] without having obtained such certificate as is directed by the statute in that case made and provided, in order to an assessment for the year wherein the said C. D. did so use such dog [*&c. as before; or did so take game &c. or did so kill game &c. or did so assist in the taking or in the killing game &c. as before, and as the case may require*], contrary to the form of the statute in that case made and provided; and by means of the premises, and by force of the statute in that case made and provided, the said C. D. hath forfeited for his said offence the sum of £20. Whereupon the said A. B. prayeth the judgment of us the said commissioners [or "*me the said justice and commissioner,*" *as the case may be*] in the premises, and that the said C. D. may be summoned to answer the premises before us the commissioners aforesaid.

A. B.

Exhibited before us the —— day of ——, in the year of our Lord 1817.

Information to be exhibited before two Commissioners, or one Justice of the Peace, being a Commissioner, on 52 Geo. III. cap. 93, sched. L. rule 11, *for not producing a Certificate on demand &c.*

—— to wit. The information and complaint of A. B. made before us, two [*three or more, as in the last information*] of the commissioners for executing an act made and passed in the 52nd year of the reign of His present Majesty, intituled "An Act for granting to His Majesty certain new and additional Duties of Assessed Taxes, and for consolidating the same with the former Duties of Assessed Taxes," and the several other acts relating to the said duties of assessed taxes, appointed to act as such commissioners [or "*commissioner,*" *if before one justice he being a commissioner*], in the district [or *division, as the case may be*] of ——, and on the —— day of ——, in the 57th year of the reign of our Sovereign Lord George the Third, at the parish of —— in the district [or *division, as the case may be*] aforesaid, and in this county of ——, who saith that C. D. of the parish and county aforesaid, on the —— day of ——, and within three calendar months before this day, at the parish

of —— in the county aforesaid, was discovered using a dog [*gun, net &c. as in last information*] for the purpose of taking and killing game [*woodcock, &c. as in last information*] there, [*"or taking or killing, or assisting in the taking and killing of game, or woodcocks &c. by means of a" (mentioning the means used) as the case may require*], by one A. B. he the said A. B. then and there being [*an assessor or collector of the said parish of ——, or a commissioner for the execution of the said act passed in the 52nd year aforesaid, acting for the said county of ——, or riding, division, or place, as the case may require, or by L. M. lord or lady, or game-keeper of the manor of ——, in which the said C. D. then was, or by any of the other persons enumerated in rule 11, as the case may be*], and that the said A. B. then and there required and demanded from the said C. D. so using such dog [*gun, net, &c. as the fact is*], as aforesaid, for the purpose aforesaid, [*or taking or killing, &c. as aforesaid,*] the production of a certificate issued to him for that purpose, and that the said C. D. did not produce [*if the party had taken out a certificate, then say, "wilfully refused to produce, and did not produce"*] any such certificate, and that no such certificate was produced to the said A. B. and that thereupon the said A. B. having made such demand as aforesaid, and no such certificate being produced to him, the said A. B. then and there required the said C. D. forthwith to declare to him the said A. B. the christian and surname and place of residence of him the said C. D. and also the parish or place (if any) in which he the said C. D. had been assessed to the duties granted by the said act passed in the 52nd year aforesaid. And that the said C. D. after such demand made [and in default of the production of a certificate issued to him for the using such dog [*gun, &c. as before*], as aforesaid, for the purpose aforesaid [*as before*], then and there wilfully refused to give in to the said A. B. the christian and surname, and place of abode of him the said C. D.] [*or instead of the words inclosed in brackets say, "then and there produced to the said A. B. a false certificate or a fictitious certificate; or then and there gave to the said A. B. a false name, or a false place of residence, or a false place of assessment, or a fictitious name, or a fictitious place of residence, or a fictitious place of assessment," as the case may be*], contrary to the form of the statute in that case made and provided; and by means of the premises, and by force of the statute in that case made and

provided, the said C. D. hath forfeited for his said offence the sum of £20. Whereupon the said A. B. prays the judgment of us the said commissioners [or "*me the said justice and commissioner*," *as the case may require*] in the premises, and that the said C. D. may be summoned to answer the premises before us the commissioners [*as before*].

Exhibited before us the —— day of ——, in the year of our Lord 1817.

In default of payment of the penalty or mitigated penalty at the time of conviction on these informations, a warrant is to be issued by the commissioners, or commissioner being a justice, against the goods of the party; and if sufficient goods cannot be found, the commissioners, or commissioner being a justice, are or is required to commit the party to the house of correction for six months. See *Rule* 13 *of Sched. L.*

General Form of Summons on the preceding Information.

To C. D. of the parish of —— in the county of ——.

—— to wit. Whereas information and complaint hath been made before us —— of the commissioners [or *one commissioner being a justice, as in the information*] for executing an act made and passed in the 52nd year of the reign of His present Majesty, intituled, "An Act for granting to His Majesty certain new and additional Duties of Assessed Taxes, and for consolidating the same with the former Duties of Assessed Taxes," and also the several acts relating to the said duties of assessed taxes, appointed to act as such commissioners [*as before*], in the —— of ——, that you on the —— day of ——, at the parish of —— in the said county, did [*here insert the whole of the information in the past tense*].

These are to require you the said C. D. to appear before us, at —— in the said county of ——, on the —— day of ——, at the house of ——, in the ——noon of the same day, [to answer to the said information and complaint, and to be further dealt with according to law.] [*If the summons is to a witness, omit the words in brackets, and introduce "to give evidence touching the matters contained in the said information on the part of the said A. B. (the informant) or of the said C. D. (the defendant)" as the fact is.*]

Given under our hands and seals the —— day of ——, in the year of our Lord 1817.

Conviction for using a Dog, &c. for Killing Game without a Certificate.

—— to wit. Be it remembered, That on the —— day of ——, at —— in the county of ——, C. D. yeoman, was duly convicted before me S. P. Esq. one of His Majesty's justices &c. [or *us* ——], for that the said C. D. on the —— day of —— did [*state the offence as in the information*] contrary to the form of the statute, and I [or *we*] do declare and adjudge that the said C. D. hath forfeited for his said offence the sum of £——, to be distributed as the law directs.

Given under my hand and seal, [or *our &c.*] being a justice of the peace for —— [*and, if it be so, a commissioner acting in the execution of the acts relating to assessed taxes for the district of* ——], the —— day of ——, 1817.

Distress Warrant for Killing Game without a Certificate.

To the Constable of ——.

—— to wit. Whereas C. D. of —— in the said county, [*shoemaker*], is this day convicted before me S. P. Esq. [or *us &c.*] one of His Majesty's justices of the peace in and for the said county, [*and, if it be so, also one of the commissioners &c.*] upon the oath of A. B. a credible witness, for that he the said C. D. on the —— day of ——, in the 57th year of the reign of His Majesty King George the Third, &c. at —— in the said county,

did use a certain dog [*net or engine, as the fact is*], for the taking or destruction of game, and did thereby and therewith take, kill and destroy a hare [or *as the fact is*], without having such certificate as is required by law for that purpose, whereby he the said C. D. hath forfeited the sum of £20. These are therefore in His said Majesty's name to command you to levy the said sum by distress of the goods of him the said C. D. and if within the space of *(four)* days next after such distress by you taken, the said sum shall not be paid, that then you do sell the said goods so by you distrained, and out of the money arising by such sale you do pay the said sum of £20. to A. B. of —— in the said county, one of the collectors of assessed taxes for the parish of —— aforesaid, for the use of His Majesty, returning the overplus (if any) on demand unto him the said C. D. And if sufficient distress cannot be found of the goods of the said C. D. whereon to levy the said sum of £20. that then you certify the same to me, together with the return of this precept.

Given under my hand and seal, the —— day of ——, 1817.

S. P.

Commitment for want of Distress.

To the Constable of —— in the county of ——, and to the Keeper of the House of Correction at —— in the said county.

—— to wit. Whereas C. D. of —— in the said county, [*shoemaker,*] was on the —— day of ——, in the year of our Lord 1817, convicted before [*as in the information*], upon the oath of A. B. a credible witness, for that he the said C. D. on the —— day of ——, in the year aforesaid, at —— in the said county, did use a certain dog [*net or engine, as the fact is*], for the taking or destruction of game, and did thereby and therewith take, kill and destroy a hare [or *as the fact is*], without having such certificate as is required by law for that purpose, by virtue whereof he the said C. D. hath forfeited the sum of £20. And whereas, on the said —— day of ——, in the year aforesaid, I did issue my warrant to the constable of ——, to levy the said sum of £20. by distress and sale of the goods of him the said C. D. and to apply the same according to law.

And whereas it duly appears to me, as well on the oath of the said constable as otherwise, that he the said constable hath used his best endeavours to levy the said sum of £20. on the goods of him the said C. D. as aforesaid, but that no sufficient distress can be had whereon to levy the same; these are therefore to command you the said constable of —— aforesaid, to apprehend the body of the said C. D. and him safely to convey to the house of correction at —— in the said county, and there deliver him to the said keeper thereof, together with this precept. And I do hereby command you the said keeper of the said house of correction, to receive into your custody in the said house of correction, the said C. D. and him there safely to keep for the space of six calendar months, unless such penalty shall be sooner paid; and for so doing this shall be your sufficient warrant.

Given under my hand and seal the —— day of ——, in the year of our Lord 1817.

Warrant to search for Dogs and Engines, on the 22nd and 23d Car. II. c. 25, s. 2.

—— to wit. Whereas complaint hath been made unto me S. P. Esq. one of His Majesty's justices of the peace in and for the said county, upon the oath of A. B. of —— in the said county, yeoman, that he the said A. B. hath good ground to suspect, and doth suspect that C. D. of —— aforesaid in the county aforesaid, yeoman, being a person in no respect qualified by the laws of this realm so to do, hath, and keepeth in his custody a greyhound, [*gun, net &c.*] to kill and destroy the game; These are therefore to command you, in His Majesty's name, to enter into and search, in the day time, the houses, out-houses, and other places of him the said C. D. at —— aforesaid and if you there find any greyhound &c. that you seize and keep the same for the use of L. M. Esq. lord of the manor of ——, in which manor the said houses, out-houses, and other places are situate and do lie; [or *if net, gun &c. that you cut in pieces or destroy the same.*]

Given under my hand and seal the —— day of ——, in the year of our Lord 1817.

S. P.

Information for keeping and using Dogs to destroy Game, not being qualified.

—— to wit. Be it remembered, That on the —— day of ——, in the 57th year of the reign of His present Majesty King George the Third, by the Grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, at —— in the said county, A. B. of —— in the said county, yeoman, in his proper person cometh before me S. P. Esq. one of the justices of our said Lord the King, assigned to keep the peace of our said Lord the King in and for the said county, and also to hear and determine divers felonies, trespasses, and other misdemeanors done and committed in the said county, and now giveth me the said justice to understand and be informed that one C. D. of —— in the parish of —— in the said county, [*labourer*,] on the —— day of ——, in the said 57th year of the reign of our said Sovereign Lord the King, did keep and use a certain dog called a greyhound to kill and destroy the game, being a person not then having lands or tenements, or any other estate of inheritance in his own right, or in his wife's right, of the clear yearly value of £100. or for term of life; nor then having lease or leases of ninety-nine years, or for any longer term, of the clear yearly value of £150. nor then being the son and heir apparent of an Esquire or other person of higher degree; nor then being the owner or keeper of any forest, park, chase, or warren being stocked with deer or conies for his necessary use in respect of such forest, park, chase, or warren; nor then being lord of any manor, lordship, or royalty; nor then being game-keeper of any lord or lady of any lordship, manor, or royalty, duly made, constituted, or appointed by writing under his or her hand and seal to take, kill, or destroy the game or any sort of game whatsoever in or upon any lordship, manor, or royalty; nor then being truly and properly a servant of or to any lord or lady of any lordship, manor, or royalty; nor then being immediately employed or appointed to take, kill, or destroy the game or any kind of game whatsoever for the sole use or immediate benefit of any lord or lady of any lordship, manor, or royalty; nor then being a person in any manner whatsoever qualified or authorized to kill game, or keep any greyhound for the destruction of the

game of this kingdom; whereby he hath forfeited the sum of £5. and thereupon he the said A. B. prayeth the judgment of me the said justice in the premises, and that he may have one moiety of the said forfeiture, according to the form of the statute in that case made, and that the said C. D. may be summoned to answer the premises before me the justice aforesaid.

A. B.

Taken before me,
S. P.

Summons thereon.

To the Constable of —— in the county of ——.

—— to wit. Whereas information and complaint hath been made before me S. P. Esq. one of His Majesty's justices of the peace for the said county, That on the —— day of ——, in the year of our Lord 1817, one C. D. of —— in the county aforesaid, [*labourer*,] being a person not then having lands or tenements, or any other estate of inheritance in his own right or in his wife's right, of the clear yearly value of £100. or for term of life; nor then having lease or leases of 99 years, or for any longer term of the clear yearly value of £150. nor then being the son and heir apparent of an Esquire or other person of higher degree; nor then being the owner or keeper of any forest, park, chase, or warren being stocked with deer or conies for his necessary use in respect of such forest, park, chase, or warren; nor then being lord of any manor, lordship, or royalty; nor then being game-keeper of any lord or lady of any lordship, manor, or royalty, duly made, constituted, or appointed by writing under his or her hand and seal to take, kill, or destroy the game or any sort of game whatsoever in or upon any lordship, manor, or royalty; nor then being truly or properly a servant of or to any lord or lady of any lordship, manor, or royalty; nor then being immediately employed or appointed to take, kill, or destroy the game or any kind of game whatsoever for the sole use or immediate benefit of any lord or lady of any lordship, manor, or royalty; nor then being a person in any manner whatsoever qualified or authorised to kill game; unlawfully did keep and use a certain dog called a greyhound to kill and destroy the game, contrary to the form of the

statute in that case made and provided; whereby he hath forfeited the sum of £5. to be applied as the act directs.

These are therefore to require you forthwith to summon the said C. D. to appear before me at —— in the said county, on —— the —— day of ——, at the hour of —— in the forenoon, to answer the said information and complaint, and to be further dealt with according to law: And be you then there to certify what you shall have done in the execution hereof.—Herein fail not.

Given under my hand and seal this —— day of ——, in the year of our Lord 1817.

Conviction thereon.

—— to wit. Be it remembered, That on the —— day of ——, in the 57th year of the reign of &c. at —— in the county of ——, A. B. of —— in the said county, yeoman, in his own proper person cometh before us W. S. J. C. and S. P. Esquires, three of the justices of our said Lord the King, assigned to keep the peace and also to hear &c. and now here giveth us the said justices to understand and be informed that one C. D. of ——, [*labourer,*] within three months now last past, to wit on the —— day of ——, in the said 57th year of the reign of our said Sovereign Lord the King, the said C. D. not having lands or tenements or any other estate or inheritance of the clear yearly value of £100. or for term of life; nor any lease or leases for ninety-nine years or any longer term of the clear yearly value of £150. nor then being the son and heir apparent of an Esquire or other person of higher degree; nor then being the lord of any manor or royalty; nor then being the owner or keeper of any forest, park, chase, or warren; nor then being game-keeper of any lord or lady of any lordship or manor; nor then being truly and properly a servant of or to any lord or lady of any lordship or manor; nor then being immediately employed and appointed to take and kill the game for the sole use and immediate benefit of such lord or lady; nor being in any other manner qualified, empowered, licensed, or authorized by the laws of this realm, either to take, kill, or destroy any sort of game whatsoever, or to keep or use any greyhound for that purpose; did at the parish of —— in the county of —— aforesaid, keep and use a certain dog called a greyhound to kill and destroy the game, against

the form of the statute in such case made and provided; whereupon the said C. D. afterwards, to wit on the —— day of —— in the year aforesaid, at —— aforesaid, had notice of the said information and of the offence therein charged upon him as aforesaid, and was then and there by us, the said justices, in due manner summoned to appear before us the said justices at —— aforesaid in the county of —— aforesaid, on the —— day of ——, in the 57th year aforesaid, to make his defence against the said charge contained in the information aforesaid. And thereupon afterwards, that is to say on the said —— day of ——, in the 57th year of the reign of our said Sovereign Lord the King, at —— in the county of —— aforesaid, he the said C. D. being duly summoned as aforesaid in this behalf, before us, the justices aforesaid, appeareth, and is present in order to make his defence against the said charge contained in the said information; and having heard the same, he the said C. D. is asked by us the said justices if he can say any thing for himself why he the said C. D. should not be convicted of the premises above charged upon him in form aforesaid; who pleadeth and saith, that he admits he was not qualified to kill game, and that he was out in a certain field in the said parish of ——, on the said —— day of ——, with one greyhound dog and one spaniel dog, but that the said dogs were not his property; but doth not shew to us the said justices any sufficient cause why he should not be convicted of the offence in the said information above contained against him; and further, at the same time and place, to wit on the —— day of —— in the year aforesaid, at —— aforesaid within the said county, one credible witness, to wit S. M. of —— in the county of ——, yeoman, cometh before us the justices aforesaid, and before us the same justices, in the presence of the said C. D. upon his oath on the holy Gospel of God then and there to him by us administered (we the said justices being duly authorized and empowered to administer the said oath to the said A. B. in this behalf), deposeth, sweareth, and on his oath affirmeth and saith, in the presence and hearing of the said C. D. that the said C. D. on the —— day of —— aforesaid in the year aforesaid, at the parish of —— aforesaid in the county aforesaid, did keep and use a greyhound to kill and destroy the game, and that he then and there saw the said C. D. walk across a certain field, the same being a place where hares usually lie, with the said greyhound dog and a spaniel

dog, with a stick in his hand; And the said C. D. then, to wit on the —— day of —— aforesaid, had not any lands or tenements [*negativing all the qualifications precisely as in the information*], nor in any other manner qualified, empowered, licensed, or authorized by the laws of this realm to take, kill, or destroy any sort of game, or to keep or use any greyhounds for that purpose; whereupon and upon hearing and duly examining the whole matter aforesaid, it manifestly appears to us the said justices that the said C. D. was not on the —— day of —— aforesaid, in any manner qualified, empowered, licensed, or authorized by or according to the laws of this realm to keep or use any greyhound to kill and destroy the game, and that the said C. D. is guilty of the premises above charged upon him by the information aforesaid; Therefore the said C. D. on the said —— day of —— in the year aforesaid, before us the justices aforesaid, by the testimony of the said S. M. a credible witness as aforesaid, according to the form of the statute aforesaid, is convicted of the offence aforesaid, and hath forfeited the sum of £5. of lawful money of Great Britain, to be distributed as the statute aforesaid doth direct. In witness whereof we the said justices to this present record of conviction have set our hands and seals, at —— aforesaid in the county aforesaid, the said —— day of ——, in the year of our Lord 1817.

W. S.
J. C.
S. P.

Distress Warrant thereon.

To the Constable of —— in the county of ——.

—— to wit. Whereas C. D. of —— in the said county, [*labourer*], is this day convicted before me, S. P. Esq. one of His Majesty's justices of the peace in and for the said county, upon the oath of S. M. a credible witness, for that he the said C. D. being a person not qualified by the laws of this realm so to do, on the —— day of ——, in the 57th year of the reign of His Majesty King George the Third, at —— in the said county, did use a certain dog called a greyhound to kill and destroy the game, by reason whereof he the said C. D. hath forfeited the sum of £5. to be distributed as herein after men-

tioned. These are therefore, in His Majesty's name, to command you to levy the said sum by distress of the goods of him the said C. D. and if within the space of six days next after such distress by you taken the said sum shall not be paid, that then you do sell the said goods so by you distrained, and out of the money arising by such sale you do pay the sum of £2. 10s. to A. B. of —— in the said county, who informed me of the said offence, and the sum of £2. 10s. to the overseers of the poor of the parish of —— where the said offence was committed, returning the overplus (if any) on demand to him the said C. D. and if sufficient distress cannot be found of the goods of the said C. D. whereupon to levy the said sum of £5. that then you certify the same to me, together with the return of this precept.

Given under my hand and seal this —— day of ——, in the year of our Lord 1817.

S. P.

Commitment for want of Distress.

To the Constable of —— in the county of ——, and to the Keeper of the House of Correction at —— in the county of ——.

—— to wit. Whereas C. D. of —— in the said county, [*labourer,*] was on the —— day of ——, in the year of our Lord 1817, convicted before me S. P. Esq. one of His Majesty's justices of the peace in and for the said county, upon the oath of S. M. a credible witness, for that he the said C. D. not being a person qualified by the laws of this realm so to do, on the —— day of ——, at —— in the said county, did use a certain dog called a greyhound to kill and destroy the game, whereby he the said C. D. hath forfeited the sum of £5. And whereas on the said —— day of —— in the year aforesaid, I did issue my warrant to the constable of —— to levy the sum of £5. by distress and sale of the goods of him the said C. D. and to apply the same according to law. And whereas it duly appears to me as well on the oath of the said constable as otherwise, that he the said constable hath used his best endeavours to levy the said sum on the goods of him the said C. D. as aforesaid, but that no sufficient distress can be had whereon to levy the same; These are, therefore, to

command you the said constable of —— aforesaid to apprehend the body of the said C. D. and him safely to convey to the house of correction at —— in the said county, and there deliver him to the said keeper thereof, together with this precept. And I do hereby command you the said keeper of the said house of correction to receive into your custody in the said house of correction the said C. D. and him there safely keep for the space of three calendar months; and for so doing this shall be your sufficient warrant.

Given under my hand and seal this —— day of ——, in the year of our Lord 1817.

S. P.

Warrant to apprehend a Higgler.

To the Constable of ——.

—— to wit. Whereas A. B. of ——, hath this day made oath before me S. P. Esq. one of His Majesty's justices &c. that on the —— day of —— now last past, C. D. of ——, victualler, at —— in the county aforesaid, in the house of him the said C. D. there situated, then and there had in his possession one hare [or *did offer to sell one hare, as the fact is*], he the said C. D. being no ways qualified by the laws of this realm to have the said hare in his custody or possession, contrary to the form of the statute in that case made and provided. These are therefore to command you to bring the said C. D. before me or some other of His Majesty's justices of the peace for the said county, to answer the premises, and to be further dealt with according to law.

Given under my hand and seal &c.

S. P.

The conviction, warrant of distress, and commitment for want of distress, may be in the same form as those against unqualified persons keeping greyhounds, &c. varying the description of the offence.

Warrant to levy the Penalty for keeping Snares to destroy Game.

To the Constable of —— in the county of ——.

—— to wit. Whereas A. B. hath this day been duly convicted before me S. P. Esq. one of His Majesty's justices of the peace in and for the county of ——, by the oath of C. D. that he hath within —— days last past kept and used snares for killing and destroying the game, and that he is not qualified by law to keep or use a snare or any other engine for destroying the game. These are, therefore, to require and authorize you forthwith to levy the sum of —— by distress and sale of the goods and chattels of the said A. B. which said sum is by me adjudged to be the penalty for his said offence, and that you pay one moiety thereof to the churchwardens and overseers of the poor of the parish of —— wherein the said offence was committed, for the use of their poor, and the other moiety to C. D. who informed against the said A. B. according to the statute in that case made and provided; and in default of distress you are hereby required to certify to me thereof, that such further order may be taken therein as the law directs.

Given under my hand and seal this —— day of ——, in the year of our Lord 1817.

S. P.

General Form of negativing the necessary Qualifications in Convictions on the Game Laws.

That A. B. being a person not then having lands and tenements or any other estate of inheritance in his own right or his wife's right of the clear yearly value of £100. or for term of life; nor having lease or leases of ninety-nine years or for any longer term of the clear yearly value of £150. nor then being son or heir apparent of an Esquire or other person of higher degree; nor then being owner or keeper of any forest, park, chase, or warren being stocked with deer or conies for his necessary use in respect of such forest, park,

chase, or warren; nor then being lord of any manor, lordship, or royalty; nor then being gamekeeper of any lord or lady of any lordship, manor, or royalty, duly made, constituted and appointed by writing under his or her hand and seal, to take, kill, or destroy game, or any sort of game whatsoever, in or upon any lordship, manor, or royalty; nor then being truly or properly a servant of or to any lord or lady of any lordship, manor, or royalty; nor then being immediately employed or appointed to take, kill, or destroy game or any kind of game whatsoever for the sole use or immediate benefit of any lord or lady of any lordship, manor, or royalty; nor then being a person in any manner whatsoever qualified or authorized by the laws of this realm to kill game, did &c.

Conviction of an Innkeeper for having Partridges in his possession and selling the same as an Innkeeper, 5 Ann, c. 14, s. 2. 28 Geo. II. c. 12. 2 Geo. III. c. 19.

—— to wit. Be it remembered, That on the —— day of ——, in the 57th year of the reign of our Sovereign Lord George the Third, by the Grace of God &c. at —— in the county of ——, A. B. of —— in the county of ——, cometh in his proper person before me S. P. Esq. one of the justices of our said Lord the King in and for the said county of ——, and also to hear and determine divers felonies, trespasses and other misdemeanors committed within the said county, and then and there giveth me the said justice to understand and be informed, that within three months now last past, that is to say, on the —— day of ——, in the 57th year of the reign of our said Lord the present King, at the parish of ——, C. D. of —— aforesaid, innkeeper, being a person not then &c. [*see the general form, negativing the necessary qualifications*], and being then and there an innkeeper, unlawfully had in his custody two partridges, and did then and there sell [*or offer to sell, as the case may be*], the same partridges, contrary to the form of the statute in such case made and provided; and the said A. B. the said informant, prayeth that the said C. D. be convicted of the said offence above laid to his charge. Whereupon the said C. D. after having been duly summoned in this behalf to answer and make his defence to the said information and offence therein charged upon him, before me the said

justice; afterwards, that is to say, on the —— day of ——, in the year aforesaid at —— aforesaid in the county of ——, appeareth and is at present before me the said justice, in order to answer and make good his defence to the said information and offence therein charged on him as aforesaid, and he the said C. D. having heard the same, is asked by me the said justice if he can say any thing for himself why he the said C. D. should not be convicted of the premises above charged on him in form aforesaid, who pleadeth that he is not guilty of the said offence. Nevertheless, on the said —— day of ——, in the year aforesaid, at —— in the said county of ——, E. F. one credible witness, to wit E. F. of —— in the said county of ——, cometh before me the said justice in his own proper person, and before me the said justice, the said E. F. being then and there, to wit on the day and year last aforesaid at —— aforesaid, duly sworn, touching the premises, upon the holy Gospel of God, upon his corporal oath to him then and there administered by me the said justice, I the said justice then and there having full power and authority to administer the said oath to the said E. F. deposeth and sweareth and upon his oath aforesaid affirmeth, in the presence of the said C. D. that within three months next before the said information was made before me by the said informant as aforesaid, to wit on the said —— day of ——, in the 57th year aforesaid, at the parish of —— aforesaid, he the said C. D. being a person not then having lands [*pursue the words of the information exactly to the words* "in such case made and provided"].— Whereupon all and singular the matters and things in the said information and evidence contained, being by the said C. D. heard and fully understood, and he the said C. D. being by me the said justice asked what he hath to say or offer in his defence against the said information and offence and in answer to the evidence given as above-mentioned, and what he has to say why he should not be convicted of the premises so charged upon him; and forasmuch as upon hearing and fully understanding all and every the matters and things by the said C. D. alledged and proved in his defence, touching the premises in the said information specified, it manifestly appears to me the said justice that the said C. D. is guilty of the premises above charged upon him in the said information; it is therefore adjudged by me the said justice, upon the testimony of the said E. F. a credible witness upon his oath before me

the said justice so taken as aforesaid at the parish of ——, aforesaid, that the said C. D. on the said —— day of ——, in the 57th year aforesaid, at the parish of —— aforesaid, within three months next before the said information was made before me the said justice by the said A. B. as aforesaid, unlawfully had in his custody two partridges, and did then and there sell [or *offer to sell*] them, contrary to the form of the statute in such case made and provided, and that the said C. D. had not then &c. [*negativing all the qualifications*], nor then was a person in any manner whatsoever qualified to kill game, and was then and there an innkeeper; and thereupon I the said justice upon the said —— day of ——, in the 57th year aforesaid, at —— aforesaid, do convict the said C. D. of the offence aforesaid in and by the said information charged against him, and the said C. D. is hereby convicted thereof by me the said justice upon the oath of one credible witness, according to the form of the statute in such case made and provided; and I the said justice do adjudge that the said C. D. for his said offence hath forfeited the sum of £10. of lawful money of Great Britain, that is to say the sum of £5. for each of the said partridges; and I do adjudge that one half the said sum be paid to the said informant A. B. and that the other half of the said sum be paid to the poor of the parish of —— where the said offence was committed, according to the form of the statute in that case made and provided. In witness whereof &c.

GAMING.

By stat. 33 *Hen. VIII. c.* 9, common gaming-houses are prohibited under a penalty of 40s. a day, and persons using the said houses to forfeit 6s. 8d. each time. *s.* 12.

Justices may enter suspected houses, and arrest and imprison the keepers and persons resorting there, until keeper gives surety no longer to keep the said house. *s.* 14.—No apprentice, artificer, &c. to play at unlawful games, except at Christmas,

under a penalty of 6s. 8d. each time. *s.* 16. By 12 *Geo. II. c.* 28, on proof by two witnesses, or on view, justices may commit offender, unless he gives security not to play in future. *s.* 9. and by 18 *Geo. III.* no person shall keep any gaming-house, or permit gambling therein under the penalties imposed by 12 *Geo. II. c.* 28, *s.* 1.

By 9 *Ann, c.* 14, two justices, on just cause of suspicion, may cause any person to be apprehended who has no visible means of living, except by gaming, and may require security for good behaviour for twelve months, or commit him till such security is given. *s.* 6.

By 25 *Geo. II. c.* 36, houses of public amusement within London and twenty miles thereof (except the regular theatres and those licensed by the Crown or the Lord Chamberlain) to be licensed by four or more justices at the Michaelmas quarter sessions. *s.* 4. and houses not so licensed, to be deemed disorderly houses, and the keeper to forfeit £100. and full costs, to be sued for in six months; a constable by warrant of one justice may enter such house and seize every person found therein, in order that they may be dealt with according to law. *s.* 2.

The constable on notice given him in writing by two inhabitants of the parish, of any person keeping bawdy-houses, gaming-houses, or other disorderly houses, shall go with them to a justice of the peace, and shall, (on their making oath that they believe

the contents of such notice to be true, and entering into a recognizance in £20. each to produce evidence of such offence), enter into recognizance in £30. to prosecute; and on constable entering into such last recognizance, the justice shall issue his warrant to bring the accused party before him, and on their appearing shall bind them over to answer a bill of indictment; in the mean time (if he think fit) to give surety for their good behaviour. *s.* 5, 6. Constable neglecting to go before the justice and give recognizance, to forfeit £20. to each of the said inhabitants. *s.* 7. Constable to be paid the reasonable expenses of the prosecution, to be ascertained by two justices, and to be paid by the overseers of the poor; if such person be convicted, the overseers to pay £10. to each of such inhabitants, and on neglect or refusal shall forfeit to the person entitled double the sum so refused or neglected to be paid. *s.* 5. The person acting as master to be deemed keeper of the said house. *s.* 8.

By 30 *Geo. II. c.* 24, innkeepers or alehouse-keepers permitting gaming by servants, journeymen, labourers or apprentices, shall on conviction by confession or oath of one witness before one justice, within six months after offence committed, forfeit 40s. for every such offence, and for every other offence £10. to be levied by distress and sale by warrant of the convicting justice, three-fourths of the penalty to be paid to the church-

wardens for the use of the poor, and the other fourth to the informer.

If any journeyman game in any house where liquors are sold, on complaint thereof on oath, one justice may issue his warrant to apprehend the offender, who shall on conviction forfeit not more than 20s. nor less than 5s. one fourth to the informer and the residue to the poor; and if not paid, the offender to be committed to the house of correction or some other prison for one month to hard labour.

A witness refusing to appear and give evidence before justice, &c. may be committed to prison for not exceeding three months; and if on his examination such justice deem his evidence material, he may bind him by recognizance in a reasonable penalty to appear and give evidence. *s.* 16.

Appeal allowed to the party aggrieved to the next general or quarter sessions, on entering into a recognizance with two sureties in double the sum forfeited. The judgment of the sessions to be final. *s.* 21.

By 27 *Geo. III. c.* 1, persons keeping any office for sale of lottery tickets or for registering numbers, without being licensed, to be proceeded against and punished as rogues and vagabonds within the meaning of 17 *Geo. II. c.* 5, but not to be liable to prosecution for pecuniary penalties and also to imprisonment as rogues and vagabonds. *s.* 7.

By 34 *Geo. III. c.* 40, on complaint on oath be-

fore one justice of any offence committed against 27 *Geo. III.* for suppressing illegal lotteries, a justice within his jurisdiction may authorize, by warrant, any person employed by the commissioners of the stamp duties in the execution of the acts for regulating lotteries, to break open doors to seize offenders by day or night, (but if in the night in the presence of a constable, who is required to be aiding and assisting) and such persons to convey before any justice of the county, to be dealt with according to law, all persons discovered in such house or place as knowingly aiding or being concerned with such offenders, to be deemed and punished as rogues and vagabonds; and all persons, although not discovered in such house or place, who shall employ or cause to be employed any persons in carrying on such illegal transactions, shall also be deemed rogues and vagabonds. *s.* 37. Any person convicted by two justices of any offence against the act 27 *Geo. III. c.* 1, by which he shall be deemed a rogue and vagabond, such justices may order him to be sent to the house of correction for not more than six nor less than one calendar month, and until the final period of the drawing of the lottery in respect of which such offence shall be committed.

No appeal allowed nor proceedings removable by *certiorari. s.* 40.

By 42 *Geo. III. c.* 19, persons keeping lotteries called *little goes*, to be punishable as rogues and

vagabonds, and one justice may by warrant authorize to be broken open doors of a house where such *little goes* are kept, and seize offenders, as in *s.* 37 of last recited act. *s.* 4.

No person shall agree to pay any sum of money or deliver any goods, or do or forbear to do any thing on any event or contingency relative to the drawing of any ticket or number in the lottery, under penalty of £100. for each offence. *s.* 5. offenders may be apprehended on the spot and conveyed before any justice residing near; such justice on due proof of the offence may give judgment, and if the penalty awarded is not immediately paid, he may commit the offender to prison without bail and without appeal, for not more than six calendar months, nor less than one month, or until the penalty is paid; such penalty to be one-third to the King, one-third to the informer, and one-third to the person apprehending and securing the offender. *s.* 6.

Notice by two Inhabitants to the Constable to ground a Prosecution, under 25 Geo. II. c. 36.

To A. B. Constable of the parish of —— in the county of ——.

We C. D. and E. F. two of the inhabitants of the said parish of ——, paying scot and bearing lot therein, do hereby give you notice that G. H. of the said parish of ——, innkeeper, doth keep a bawdy-house, gaming-house and disorderly house, to wit at his dwelling house in the said parish, known by the name or sign of the ——. And we do hereby also require you the said constable forthwith to go with us

before some one of His Majesty's justices of the peace in and for the said county of ——, to the intent that such proceedings may be had for the prosecution of the said G. H. for the said offence as by law is required.

Witness our hands the —— day of ——, 1817.

C. D.
E. F.

Affidavit of the truth thereof.

—— to wit. C. D. and E. F. of ——, severally make oath and say that they severally believe the contents of the notice hereto annexed (a copy of which they have caused to be served on A. B. constable of the parish of —— in the said county,) to be true in substance and matter of fact.

C. D.
E. F.

Sworn &c.

Recognizance to give Evidence.

—— to wit. Be it remembered, That C. D. of ——, and E. F. of ——, on the —— day of ——, in the year of our Lord 1817, at —— in the county aforesaid, came before me S. P. Esq. one of His Majesty's justices &c. and severally acknowledged themselves to owe to our Sovereign Lord the King the sum of £20. each.

Whereas the above bounden C. D. and E. F. have given notice in writing to A. B. constable of the said parish of ——, that one G. H. of —— aforesaid, innkeeper, doth keep a bawdy-house, gaming-house and disorderly house. Now the condition of the above obligation is such, that if the above bounden C. D. and E. F. shall give or produce material evidence against the said G. H. for the said offence, at the next general quarter sessions of the peace to be holden in and for the said county, then this recognizance to be void, otherwise of force.

Taken &c.

Constable's Recognizance to Prosecute.

—— to wit. Be it remembered, [*as in last precedent, stating the penalty £30. instead of £20.*]

Whereas C. D. and E. F. two of the inhabitants of the said parish of ——, have given notice in writing to the above bounden A. B. constable of the said parish of ——, that G. H. of —— aforesaid in the county aforesaid, innkeeper, doth keep a bawdy-house, gaming-house and disorderly house, to wit in the said parish of —— and county aforesaid; and having severally made affidavit of their belief in the truth of the contents of the said notice, and also severally entered into recognizance in the penal sum of £20. each, before me the undersigned justice, on condition that they do give and produce material evidence against the said G. H. for the said offence. Now the condition of this recognizance is such, that if the above bounden A. B. do and shall prosecute with effect the said G. H. for the said offence, then this recognizance to be void, otherwise of force.

Taken &c.

Warrant against the Keeper of a Disorderly House.

To the Constable of the parish of —— in the county of ——.

—— to wit. Whereas C. D. and E. F. two of the inhabitants of the parish of —— in the county of ——, paying scot and bearing lot within the said parish, have given notice in writing to A. B. constable of the said parish, that G. H. of the said parish, innkeeper, doth keep a bawdy-house, gaming-house and disorderly house in the said parish of ——, and have also this day severally made oath before me, one of His Majesty's justices of the peace &c. that they believe the contents of the said notice to be true, and have also severally entered into recognizance in the penal sum of £20. each on condition to give and produce material evidence against the said G. H. These are therefore to command you forthwith to bring the said G. H. before me at this place, to be bound over to appear at the next general quarter sessions of the peace to be held in and for the said county, there to answer to such bill of indictment as shall be found against him for such offence.

Given under my hand and seal &c.

Allowance, by two Justices, of Constable's Expenses in the Prosecution, and Order on Overseers to pay them.

—— to wit. Whereas A. B. constable of the parish of —— in the said county, hath this day made oath before us J. C. and S. P. Esquires, two of His Majesty's justices &c. that he hath truly and *bona fide* expended the sum of £—— in the prosecution of one G. H. for keeping a bawdy-house, gaming-house and disorderly house at —— aforesaid, in pursuance of the recognizance entered into by him the said A. B. Now we the said justices do hereby ascertain and allow the said A. B. the said sum of £—— as and for the reasonable expenses of the said prosecution. And we do hereby require the overseers of the poor of the said parish of —— forthwith to pay the said A. B. the said sum of ——.

In witness whereof we have hereunto set our hands, at —— aforesaid, this —— day of ——, 1817.

J. C.
S. P.

GAOLS.

Justices on presentment of the grand jury at the assizes or sessions may contract for the building, finishing, or repairing county gaols. 11 and 12 *Wm. c.* 19. and the charges to be paid by the county treasurer, out of the county rate. 12 *Geo. II. s.* 29. By 24 *Geo. III. c.* 54, power is given to the justices at their general quarter sessions, on presentment by the grand jury, to build, re-build, enlarge, &c. any county gaol. *s.* 1. and to purchase houses or lands for that purpose. *s.* 5.

Justices may be appointed or may voluntarily visit and inspect gaols, and report to the sessions the state thereof. 31 *Geo. III. c.* 46, *s.* 5.

Murderers and felons are to be imprisoned in common gaols. 11 and 12 *Wm. III. c.* 19. Justices may commit persons convicted before them in a summary way, to the house of correction in lieu of the common gaol. 24 *Geo. III. c.* 11.

By stat. 31 *Geo. III. c.* 46, justices in sessions may order such sums as they think necessary for the relief of poor prisoners, to be paid out of the county rate; and by 53 *Geo. III. c.* 113, treasurers of every county named in the schedule of this act, to pay yearly out of their respective county rates the several sums specified in the said schedule, for relief of prisoners in the King's Bench, Marshalsea, and Fleet Prisons, under the regulations prescribed by the said act; and justices in sessions are empowered to make further regulations in addition to those by this act prescribed. *s.* 2, 16.

By stat. 24 *Geo. III. c.* 40, no license shall be granted for the sale of spirituous liquors in gaols, &c. justices having information of such, may cause the same to be seized and destroyed; no person to bring distilled spirits into any prison, under a penalty of from £10. to £20. gaoler may apprehend such person, and take him to a justice, who shall fine him as above; and if not paid, commit the offender for not more than three months, one half of the penalty to the informer and the other to the poor of the gaol. *c.* 15. every gaoler shall cause a copy of these clauses, printed or legibly written, to be hung in the most

public place in the prison, on forfeiture of 40s. to be levied by warrant of one justice, on conviction by the oath of one witness; justice may demand a sight of such clauses, and if not forthwith shewn fair and legible, he may immediately convict. *s.* 16. and if conviction on view, the whole penalty goes to the poor of the gaol, otherwise half to the informer.

Gaolers are not to be licensed to sell ale, wine, or other liquors. *s.* 20. and for suffering tippling or gaming in the prison, they shall forfeit £10. for each offence, to be recovered by distress, by warrant of two justices; in default of distress, commitment for not exceeding three months, unless the penalty and costs are sooner paid. *s.* 22.

By 52 *Geo. III. c.* 160, one justice of the division wherein any gaol not being a county gaol is situate, may order parochial relief to any poor person confined in such gaol under *mesne process* for debt, not exceeding 6d. per day. *s.* 1, 2. but overseers may cause such poor person to be examined as to his settlement; and justices may make an order of removal to his last legal settlement, and suspend the same during his confinement. (See title "*Poor.*")

Justices at their general quarter sessions may appoint a clergyman to perform religious duties in gaols with a salary not exceeding £100. a year, and in houses of correction with a salary not exceeding £50. a year. 55 *Geo. III. c.* 48, *s.* 2. Such

clergyman to have a regular license from the Bishop of the diocese. *s.* 5.

By 55 *Geo. III. c.* 50, all fees or gratuities payable in gaols for the entrance, commitment, or discharge of any prisoner are abolished. *s.* 1. and justices of the peace at their general quarter sessions may make allowances to gaoler in salary, or other compensation in lieu of such fees. *s.* 2. such allowance to be paid out of the county rate. *s.* 3. and no fees are in future to be paid by prisoners to clerks of the court, clerks of assize, or their deputies. *s.* 5. The operation of this act not to extend to the King's-Bench Prison, Fleet, Marshalsea, and Palace Court. *s.* 14.

(GARDEN. See "*Wood and Turnips.*")

GLOVES.

A penalty of £200. is incurred for selling or concealing foreign leather gloves, to be recovered by action, unless seizure is made out of the limits of the bills of mortality, and not exceeding £20. value; then two justices may hear and determine the same: half the penalty to the informer. 6 *Geo. III. c.* 19. and by 50 *Geo. III. c.* 55, *s.* 3, two-thirds of the produce of the sale of such prohibited gloves shall be paid to the officer who shall seize them, exclusive of the penalty.

(GOOD BEHAVIOUR. See "*Surety.*")

GUNPOWDER.

By 12 *Geo. III. c.* 61, no new mill is to be erected without license from the quarter sessions, and no pestle mill to be used under the penalty of 2*s.* per lb. and forfeiture of the gunpowder to be made thereby.

Gunpowder not to be made except in licensed places, under the like penalty; and no person to manufacture or dry more than 40lb. at one time, except at Battle and other places in Sussex, under the like penalty.

Magazine or storehouse to be kept remote from the mill, under £25. penalty per month for not having one so situated, and £5. for not removing powder to the storehouse, unless prevented by bad weather. *s.* 6, 7.

Keeping charcoal within twenty yards of the mill, incurs a penalty of £5. per week. *s.* 8.

A person being a dealer shall not keep more than 200lb. of gunpowder, and not being a dealer more than 50lb. in any house, mill, &c. in London or Westminster, or within three miles thereof; or within any other city, borough, or market town, or within one mile thereof; or within two miles of any royal palace, or half a mile of any parish church, on pain of forfeiting the gunpowder, and 2*s.* for every pound above the allowed quantity. *s.* 11. but any quantity not exceeding 300lb. may be kept for

the use of any colliery or mine, so that it is within two hundred yards of such colliery, &c.

No person to carry more than twenty-five barrels of gunpowder by land, or two hundred barrels by water; the barrels are not to be hooped with iron, and each barrel not to contain more than 100lb. or in any other than in a tilted waggon, or close decked vessel, under penalty of a forfeiture of the gunpowder, *s.* 18.

Permitting persons to smoke, or to carry combustible matter in any vessel loaded with gunpowder, incurs a penalty of £5. *s.* 20. delaying the carriage of gunpowder, except for the purposes of loading and unloading, and then only eighteen hours, to forfeit £10. *s.* 21.—Justices may search, on reasonable cause assigned on oath, any house, mill, &c. in which gunpowder is suspected to be made, and such powder may be seized and removed to a proper place; if any in carriage, &c. the same may be used in the conveyance of it for twenty-four hours, on recompensing the owner. Such recompense to be settled by the justices who hear the complaint.

All penalties to be recovered before two justices, on the oath of one witness, or by confession; one moiety to be paid to the King, and the other to the informer; if the penalty is pecuniary, it may be levied by distress, and in default, imprisonment for not more than six, nor less than three months. *s.* 26. prosecution to be commenced within

fourteen days after commission of the offence or seizure. *s.* 27.

By 54 *Geo. III. c.* 152, so much of the act 12 *Geo. III. c.* 61, as prohibits the loading, taking in, carrying or conveying in any cart, waggon or other land carriage laden with gunpowder, or in any barge, boat, or other vessel laden with gunpowder on any river (except in the case of vessels laden with gunpowder for importation from, or exportation to places beyond sea, or going coastwise), with any other lading of any kind whatsoever, shall be and is by this act repealed. *s.* 1.

(HACKNEY COACHES. See "*Post and Stage Coaches.*"

HATS.

Retailers of hats to take out a license from the Stamp Office, and to pay for the same 40s. if trading within the bills of mortality, and 5s. elsewhere, under a penalty of £50. 24 *Geo. III. c.* 51. such licensed person to cause the words "*Dealer in Hats by Retail,*" to be put over the door or in front of his shop, under penalty of 40s. for every hat sold without affixing such notice. *s.* 5. unlicensed persons putting up such words to forfeit £50. *s.* 6.

By 51 *Geo. III. c.* 70, the duties on hats are repealed.

HAWKERS AND PEDLARS.

By 50 *Geo. III. c.* 41, the act 9 and 10 *W. III. c.* 27, and all former acts relating to the duties imposed thereby are repealed.

Hawkers to take out annually a license of £4. and if travelling with a beast of burthen to pay £4. for such beast, over and above the first mentioned £4. *s.* 6. No hawker (not being a resident) to sell his goods by auction, under a penalty of £50. *s.* 7.

Packages, carts, or other vehicles of hawkers to have the words "*Licensed Hawker*" painted or printed thereon; and also on every room or shop in which he shall trade, and on every hand-bill or advertisement which he shall publish, under penalty of £10. *s.* 14. the like penalty on persons using those words, not being duly licensed. *s.* 15.

Hawkers dealing in smuggled goods to forfeit their license. *s.* 16.

Hawkers trading without a license, or contrary thereto, forfeit £10. or refusing to produce or not having it to produce on demand to persons duly authorized and shewing such authority, shall forfeit the like sum, and on non-payment may be committed to the house of correction as common vagrants. *s.* 17.

Persons lending out or hiring license, or trading under colour of any license granted to another, to

forfeit £40. but servants may travel with their master's license for his benefit. *s.* 19.

A hawker refusing to produce his license may be seized and detained till the arrival of a peace officer, who shall carry him before a justice (unless he produces his license) who on oath of one witness, or by confession, may convict him in the penalty of £40, and cause the same to be levied by distress and sale of the offender's goods with which he is found trading, and may in the mean time commit him to the common gaol or house of correction until penalty and costs paid. *s.* 20.

Constables or other peace officers refusing on notice given to them, or on their own view, to assist in the execution of this act, to forfeit £10, on conviction by confession or oath of one or more witnesses before any justice of peace acting for the county, &c. where offence committed. *s.* 21.

This act not to affect the sale of printed papers licensed by authority, or any fish, fruit, or victuals; nor to hinder any worker or maker of goods, or his children, apprentices or agents usually residing with him from carrying abroad or selling or exposing to sale by retail or otherwise any goods of his, her, or their own making in any mart, market or fair, and in every city, borough, town corporate or market-town; nor any tinkers, coopers, glaziers, plumbers and harness-makers from going about and carrying with them proper materials for doing their work. *s.* 23.

Penalties not exceeding £20. to be recovered before one justice, on oath of one witness, or on confession; one moiety of such penalties to go to the King and the other to the informer; on non-payment such justice may cause the same to be levied by distress and sale of the goods with which such offender is found trading, and may also commit him to the common gaol or house of correction until such penalty and costs are satisfied: justice may by warrant cause any offender to come before him to answer any complaint, and may commit him to prison until the hearing thereof, unless he give recognizance with two sureties to appear at hearing of such complaint. *s.* 25. The time of commitment for any offence under this act not to exceed three months. *s.* 26.

Appeal allowed to the quarter sessions on the appellant giving recognizance with two sureties in the amount of the penalty and costs awarded. *s.* 27.

No conviction to be removed by *certiorari*, except upon appeal. *s.* 29.

Justices shall transmit to the commissioners for licensing hawkers an account of all convictions, and of all monies received for the use of His Majesty, and pay over the same to the clerk of the peace of the county. *s.* 30.

Witnesses not appearing after having been duly summoned, or refusing to be examined on oath, to forfeit £10. unless reasonable cause shewn. *s.* 32.

No hawker shall carry on his trade by retail in

any town, parish or place, he not being a resident householder there, or the same not being his usual place of abode; nor sell goods in any city or market-town, or within two miles from the middle of the most central market-place of any such city or market-town by the most usual and common roads, under penalty of £10. 29 *Geo. III. c.* 26, *s.* 16. but not to prevent any person from selling in public markets or fairs. *s.* 17. This exception extends only to sales in the public market on the usual market days. 4 *T. R.* 274.

By 52 *Geo. III. c.* 108, to amend the act 50 *Geo. III. c.* 41, it is enacted, that no wholesale trader or any of his servants shall be liable to the penalties in that act for going from house to house selling goods by wholesale only. *s.* 1. nor shall persons be prohibited from carrying about coals in carts, or on horses, mules, or asses, or selling the same by retail, or be subject to any of the penalties imposed by the said act. *s.* 2.

Information against a Hawker Trading without a License.

—— to wit. Be it remembered, That on this —— day of ——, in the year of our Lord 1817, A. B. of ——, who sues as well for our Sovereign Lord the King as for himself in this behalf, cometh before me S. P. Esq. one of His Majesty's justices of the peace in and for the county of ——, and also to hear and determine divers felonies, trespasses and other misdemeanors committed within the said county, and giveth me the said justice to understand and be informed that one C. D. late of ——, hawker of [*describe the goods sold*], did on the —— day of —— instant, at the parish of —— in the said county, unlawfully travel and trade with a cart drawn by one

horse [or *as the fact is*], loaded with [*describe the goods*] for sale, of which goods the said C. D. was not the real worker or maker, nor the child, apprentice, agent or servant of the real worker or maker thereof, by way of hawking (as a hawker, pedlar, or petty chapman going from town to town or to other mens' houses) and did then and there sell and expose to sale the said goods to divers persons, on the day and at the parish and place aforesaid, without having first obtained a license from the commissioners or their deputies for the time being authorized and appointed to grant licenses to hawkers, pedlars and petty chapmen to travel and trade as aforesaid, and not having such license ready to produce on demand to the said A. B. contrary to an act of parliament passed in the 50th year of the reign of his present Majesty King George III. intituled "An Act for placing the Duties of Hawkers and Pedlars under the management of the Commissioners of Hackney Coaches," whereby and by force of the said statute the said C. D. hath forfeited the sum of £10. for his said offence, to be distributed as the law directs, according to the form of the statute in such case made and provided; whereupon the said A. B. prays judgment of me the said justice in the premises, and that the said C. D. may be summoned to appear before me the said justice to answer the said complaint and make defence thereto.

Exhibited and taken, the day and year
first above written, before me,

S. P.

Summons thereon.

To C. D. of —— in the county of ——, hawker of ——.

—— to wit. Whereas complaint and information hath been this day made before me S. P. Esq. one of His Majesty's justices of the peace in and for the said county, by A. B. inspector and examiner of hawkers and pedlars licenses, that you, C. D. late of —— in the said county, hawker of ——, did on the —— day of —— instant, at —— in the county of ——, unlawfully travel and trade as a hawker, pedlar and petty chapman, with a cart (drawn by one horse) loaded with —— for sale, by way of hawking, and did sell and expose to sale the said ——, of which goods you the said C. D. was not the real worker &c.

maker, nor the child, apprentice, agent or servant of the real worker or maker thereof, without having a license granted unto you by the commissioners authorized and appointed to grant licenses to hawkers, pedlars and petty chapmen, and not having such license ready to produce on demand made by the said A. B. authorized and appointed by the said commissioners to demand such license, contrary to the statute &c. These are therefore, in His Majesty's name, to will and require you personally to be and appear before me or such other of His Majesty's justices of the peace for the said county as shall be then and there sitting at ——, the —— day of ——, at —— o'clock in the ——noon, then and there to answer the premises as the law directs.

Given under my hand and seal the —— day of ——, in the year of our Lord 1817.

Conviction for Trading without a License.

—— to wit. Be it remembered, That on the —— day of ——, in the 57th year of the reign of our Sovereign Lord George the Third, &c. at —— in the said county, one A. B. cometh before me S. P. Esq. one of the justices of the peace in and for the said county of ——, and giveth me the said justice to understand and be informed, that one C. D. on the —— day of ——, in the year of our Lord 1817, was a hawker and pedlar, and did go and travel from town to town with horses, and to other mens' houses within the kingdom of England, carrying to sell and exposing to sale goods, wares and merchandizes, to wit [*describe the goods*] of which the said C. D. was not the real worker or maker, nor the child, apprentice, agent or servant of the real worker or maker thereof; and that the said C. D. being a hawker and pedlar, and travelling from town to town and to other mens' houses as aforesaid, and carrying to sell and exposing to sale such goods, wares and merchandizes as aforesaid, on the —— day of ——, in the 57th year aforesaid, at —— aforesaid in the county aforesaid, did carry to and sell and expose the same at —— aforesaid, several goods, wares and merchandizes, to wit [*describe the articles*], and was then and there found so trading as aforesaid, without any license so to do, contrary to the form of the statute in that case made and provided, he the said C. D. not then

being in any public mart, market, or fair, nor being the real worker or maker of the said goods, nor the child &c. [*as before*], and the said A. B. prays that the said C. D. may be convicted of the offence aforesaid according to the form of the statute &c. Whereupon afterwards, to wit on the —— day of ——, in the 57th year aforesaid, the said C. D. comes before me the said justice, at —— aforesaid, in order to answer the said charge contained in the said information, and having heard the same, he the said C. D. is asked by me the said justice if he can say any thing why he should not be convicted of the premises above charged upon him in form aforesaid; and thereupon the said C. D. saith that he is not guilty of the said offence, but doth not shew to me any sufficient cause why he should not be convicted of the offence aforesaid; and afterwards, to wit on the —— day of —— aforesaid, in the 57th year aforesaid, E. F. a credible witness in this behalf, cometh before me the said justice, at —— aforesaid, and on his corporal oath upon the Holy Evangelists of God, now administered by me the said justice (I the said justice having competent authority to administer the said oath), he the said E. F. deposeth and saith that the said C. D. on the —— day of —— [*state the information precisely*], whereupon all and singular the said premises being seen and fully understood by me the said justice, and mature deliberation being had thereon, it manifestly appears to me the said justice that the said C. D. is guilty of the premises above charged to him by the said information; it is therefore adjudged by me the said justice that the said C. D. be convicted and he is hereby convicted by me the said justice of the premises aforesaid, and I do award and adjudge that the said C. D. hath for his said offence forfeited the sum of £10. of lawful money of Great Britain, one moiety thereof to the said A. B. the informer aforesaid, and the other moiety thereof to the use of His Majesty, according to the form of the statute in that case made and provided. In witness whereof, I the said S. P. the justice aforesaid, to this record of conviction have set my hand and seal, this —— day of ——, 1817.

General Form of Conviction, under Act 50 Geo. III. c. 41.

—— to wit. Be it remembered, That on the —— day of ——, in the year of our Lord 1817, at —— in the county of ——, A. B. came before me S. P. Esq. one of His Majesty's justices of the peace for the said county, residing near the place where the offence hereinafter mentioned was committed, and informed me that C. D. of —— in the said county of ——, [*here set forth the fact for which the information is laid,*] whereupon the said C. D. being duly summoned to answer the said charge, appeared before me, and having heard the charge contained in the said information, acknowledged and voluntarily confessed the facts therein stated to be true; but in his [or *her*] defence, alleged [*here set forth the substance of the defence*], (or *voluntarily confessed the said charge to be true, or did not make any defence against the said charge),* whereupon the same was fully proved on the oath of E. F. a credible witness, (or *said that he* [or *she*] *was not guilty of the said offence;)* whereupon the same was fully proved on oath of E. F. a credible witness [or *as the case shall be*], (or *did not appear before me pursuant to the said summons)* but the said charge was fully proved on the oath of E. F. a credible witness [or *as the case shall be*], and therefore it manifestly appearing to me that the said C. D. is guilty of the offence charged in the said information, I do hereby convict him [or *her*] of the said offence, and do adjudge that he [or *she*] hath forfeited the sum of —— (or his [or *her*] license, and the sum of ——) of lawful money of Great Britain, to be distributed as the law directs, according to the form of the statute in such case made and provided.

Given under my hand and seal &c.

S. P.

Distress Warrant.

To the Constable of the parish of ——.

—— to wit. Whereas C. D. of —— hath this day been legally convicted before me, one of His Majesty's justices of the peace for the said county, of selling several goods in the parish of ——, and of being a trading hawker or pedlar without license, or being otherwise legally qualified to do the same,

contrary to the statute in that case made, whereby he hath forfeited the sum of £10. These are therefore in His Majesty's name to require and authorize you to levy the said sum of £10. by distress and sale of the goods and chattels of him the said C. D. and to pay one moiety thereof to our Sovereign Lord the King, and the other moiety thereof to the said A. B. the informer of the said offence, according to the direction of the statute in that case made and provided.

Given under my hand and seal, this —— day of ——, in the year of our Lord 1817.

S. P.

HAY AND STRAW.

No hay or straw to be sold in any market in London, or within thirty miles thereof, except in trusses, under the penalty of 20s. for each offence. 36 *Geo. III. c.* 88. *s.* 1.

Each truss sold between the 31st of August and the 1st of June, to weigh 56lbs. and between the 1st of June and 31st of August, being new hay, 60lbs. old hay 56lbs. *s.* 3; and straw 36lbs. each load of either to contain thirty-six trusses.—The penalty for selling less weight, not more than 5s. nor less than 2s. 6d. per truss; and for every truss of straw 1s. but if a load or less quantity sold, it is to be calculated upon the average weight. Selling new for old hay, a penalty of 2s. 6d. per truss. *s.* 4. and to be of one quality, under the penalty of not more than 5s. nor less than 2s. 6d. per truss, and straw 1s. *s.* 5.—The weight of the bands not to exceed 5lbs. on pain of 1s. and 1s. per lb. above 5lbs. *s.* 6. persons binding hay or straw

in light trusses, to forfeit 6d. for each truss. *s.* 7. The penalty on salesmen buying and selling on their own account, 5s. for every 56lbs. of hay, and 2s. for every 36lbs. of straw; and not exceeding £5. nor less than 50s. for each acre of grass or hay, *s.* 8. and to send within seven days to their employers an account of the time of sale, price of the hay, and name of the purchaser, under penalty of not more than 20s. nor less than 10s. *s.* 9.

No clerk or toll-gatherer to deal in hay or straw, under penalty of 2s. 6d. per truss of hay, and 1s. per truss of straw. *s.* 12. they are to keep proper weights and scales, under a penalty of not more than £5. nor less than 10s. and the like penalty for refusing to weigh hay, &c. when required. *s.* 13.

No penalty to be incurred unless weighed at or before the delivery. *s.* 14.—Persons selling after market hours to forfeit 6d. for each truss of hay, and 3d. for straw. *s.* 15.—If persons having the care of hay carts, &c. suffer them to remain in the market, from Lady-day to Michaelmas after five o'clock in the afternoon, and from Michaelmas to Lady-day after three o'clock in the afternoon, they shall forfeit not exceeding 20s. nor less than 5s. *s.* 16.—Horses not to remain fifteen minutes in the market, under the like penalty, *s.* 17.

Buying hay, &c. in the way to market, to pay 5s. per truss; and buying to sell again in the market the like penalty. *s.* 18.

Any person charging more to his employer than

the actual money paid, to forfeit 5s. per truss of hay or straw. *s.* 19. or delivering other than the hay, &c. sold, to forfeit for hay 10s. and straw 5s. per truss. *s.* 20. and the like penalties for fraudulently increasing the weight. *s.* 21.

Seller delivering less than the number of trusses agreed, or if driver shall secrete or deliver less than the quantity, to forfeit £5. for every truss not delivered; and, if not paid on conviction before one justice, he may be sent to the house of correction for not exceeding three lunar months, unless sooner paid. *s.* 22. Penalty for not bringing hay or straw exposed for sale, and not sold, (the same being lodged near the market), the next market day, not more than £5. nor less than 40s. *s.* 23.

Giving or receiving false receipts of the price of hay or straw sold, to forfeit not more than £10. nor less than £5. on complaint to one justice within six calendar months. *s.* 24.

Penalties and forfeitures under this act to be recovered before one justice, who may summon the parties, and hear and determine the complaint; and if penalty is not paid, may issue distress warrant and sell, unless paid within five days after distress; if no distress, may apprehend the party and commit him to the house of correction for not exceeding three calendar months, nor less than fourteen days, unless the penalty and costs are sooner paid; witnesses duly summoned, refus-

ing to be examined, may be committed for not exceeding fourteen days. *s.* 26.

Salesman convicted of offence, (not being privy to any fraud, &c.) may exhibit complaint against his employer, and one justice may determine the matter, and award the money so paid by the salesman against his employer, with costs of application; but if the complaint is frivolous, the salesman to pay such reasonable costs as the justice shall award. *s.* 27.

A warrant of distress for any penalty, or to apprehend, may be executed in any other county, by indorsement of a justice where the party resides.

Appeal allowed to the quarter sessions on entering into recognizances, the party and two sureties in £10. each, and no *certiorari* allowed. All the penalties to go to the prosecutor. *s.* 30.

Though this is a local act, it was thought necessary, from its extensive operation, (thirty miles round London), to give an abstract of it, particularly as *Burn* does not.

(HEDGE-BREAKING. See "*Wood.*")

HIGHWAYS.

An highway is a road which is common to all the King's subjects, whether it lead directly to a market town or only from town to town, or communicating with any great road. 3 *Salk.* 393. A navigable river is the King's highway, for the use of

himself and his subjects. *Loft*, 556. what is understood by a road is the surface of the ground, and not the fences on each side. 2 *T. R.* 232. as the owners of the land are bound to repair the fences on each side, unless otherwise directed by statute. 3 *T. R.* 332.

The parish at large are liable to repair all highways lying within it, unless by prescription they can throw the burthen on particular persons, *rationæ tenuræ*. 2 *T. R.* 106. but if such particular persons become insolvent, the justices may require the rest of the inhabitants to pay for such repair. 1 *Ld. Ray.* 725.

If a common highway lies in two parishes, two justices on complaint of the surveyor may determine what part of the said highway shall be repaired by each parish; the costs attending such apportionment shall be settled by such two justices, and if not paid, either of such justices or any other justice may levy the same by distress and sale of the goods and chattels of any surveyor of the highways refusing or neglecting to pay the same. 34 *Geo. III. c.* 64, *s.* 1, 3. and such parishes shall be bound to maintain and keep in repair such parts of the said highways as shall be allotted to them. *s.* 2. but either parish may appeal to the next quarter sessions against such order of the justices, and the decision of the sessions to be final. *s.* 7.

Persons may be bound to repair highways in res-

pect of inclosures of land wherein they lie, and also by prescription. 1 *Haw. c.* 76, *s.* 7.

If a parish consisting of two districts bound to repair separately, be convicted for not repairing the road in one of the districts, the other district having no notice of the indictment is not liable to any part of the fine to be levied on the district bound to repair the indicted road. 1 *Doug.* 421.

The power of two justices under 13 *Geo. III. c.* 78, to order *any* highway to be widened, extends to roads repaired *rationæ tenuræ. Cowp.* 648.

A presentment by a justice of the peace under 13 *Geo. III. c.* 78, *s.* 84, of a nuisance in a high way, must expressly allege the offence to be done contrary to the form of the statute. 13 *E. R.* 258. and a presentment under 5 *Eliz. c.* 13, *s.* 9, of a highway being out of repair, is traversable. *Burr. Rep.* 1530.

The prosecutor of an indictment for obstructing a highway, must shew himself to be the *party aggrieved* to entitle him to costs under 5 and 6 *Wm. and M. c.* 11, *s.* 3. 1 *Mau. and Sel.* 276.

A parish is not liable to be indicted for suffering a highway to be muddy or too narrow, for the first is no offence, and secondly, the parish has no power to widen it. *Ld. Ray.* 1169.

If a parish lies in two counties the indictment for not repairing the highway must be brought against the parish in the county where the ruinous part of the way lies. 4 *Burr. Rep.* 2507. but if a

parish be situate part in one county and the rest in another, and the highway in one part be out of repair, the indictment must be against the whole parish, and not against the inhabitants of that part only which is bad. 5 *T. R.* 498.

A certificate by justices of the peace that a highway indicted is in repair, is a legal instrument, recognized by the courts of law, and admissible in evidence after conviction, when the court is about to impose a fine. 4 *Durn and East's Rep.* 619.

Justices shall hold a special sessions for the highways in the week next after the Michaelmas quarter sessions yearly*. 13 *Geo. III. c.* 78, *s.* 1. and shall give at least ten days notice of the time and place to the constables of the respective parishes; and two justices, within their respective limits, may, whenever they think proper, hold a special sessions and adjourn the same, causing notice by the high constable to be given to the other justices residing within such limits. *s.* 61.

On the 22d of September, yearly, except it be Sunday, and then on the day following, the constables, churchwardens, surveyors of highways, and householders assessed to any parochial or public rate, shall meet at the church, or if none, at the usual place of public meeting, at eleven o'clock in the forenoon, and the majority at such meeting

* The Michaelmas quarter sessions is the sessions held next after Michaelmas Day, and by 55 *Geo. III. c.* 68, the justices may hold such sessions the week next after *Michaelmas Day.*

shall make out a list of ten persons at least in each parish to be surveyors of the highways, and a duplicate of such list to be sent to the justice near the parish within three days after; also within the same time notice is to be given by the constable to the persons named in the list, for them to appear before the special sessions to accept the office; the original list to be returned to the said sessions, and the justices from the lists shall appoint one, two or more of such persons as they think qualified for the office; and if not, then one, two or more other substantial inhabitants or occupiers of lands, tenements, woods, tythes or hereditaments within such parish, &c. or living within three miles thereof, or within the same county. They should possess an estate of £10. a year, £100. personal property, or occupy a tenement of the yearly value of £30. Each surveyor to continue in office a year, and not to be liable again to serve for three years, except by his own consent.

The magistrates are not bound to appoint persons in the list, a discretionary power being given them by the act 13 *Geo. III. c.* 78. but they may be punished for a corrupt use of such discretion. 7 *T. R.* 169.

The constable shall notify to every person so appointed within three days after such appointment, by serving him with the justice's warrant, or by leaving the same or a true copy thereof at his house.

The penalty on persons so appointed whose names are in the list, for not appearing at the sessions and accepting the office, or not signifying their acceptance in person or by writing to one of the justices within six days after service of appointment, £5. and if any person whose name is not in the list, shall be appointed, and shall refuse or neglect in like manner, without shewing sufficient cause to one of the said justices, he shall forfeit 50s. If no list is made and returned, or if persons appointed refuse to serve, the justices may appoint at the said special sessions, or within one month after, a surveyor, with a salary payable out of the fines, forfeitures, or assessments to be raised within the parish; and when such surveyor with a salary is appointed, the justices shall appoint one substantial householder as assistant surveyor, who shall be fined 50s. if he refuses to accept the office; and if he accepts it, from 40s. to £5. for neglect of duty. Penalty on churchwardens, &c. not making out lists, and on constables for not returning the same to the sessions, 40s.

Justices to deliver to surveyors a printed abstract of the act. *s.* 70. and surveyor dying during the year, the justices may appoint another. *s.* 5.

If two parts out of three of the persons assembled for nomination of surveyors shall agree to appoint a person of skill and experience as a surveyor, with a salary, and shall return his name with the list to the justices, such justices may, if they

think proper, appoint such person surveyor, with the salary mentioned in such agreement. *s.* 5.

By 34 *Geo. II. c.* 74, which explains and amends the General Highway Act of 13 *Geo. III. c.* 78, it is enacted, that any person keeping a team of three or more horses, and not occupying above £50. a year in the parish, shall six days in every year, (if necessary), send on each day and at every place to be appointed by the surveyor, one cart, &c. and two men, to perform statute duty in the parish, township or place where he resides. *s.* 4. and if occupying £50. a year beyond the said yearly value in the same parish or in any other parish than that in which he resides; and every other person not keeping a team, but occupying land of £50. value, shall in like manner and for the like number of days send one cart, with three horses and two men, and in like manner for every £50. a year respectively which every such person shall further occupy in any such parish, &c. such carts, &c. to be employed by the surveyor in repairing and amending the highways within the parish, &c. where such lands lie. *s.* 4.

Any person *not* keeping a team, but who shall occupy lands, &c. under the yearly value of £50. in the parish where he resides, or in any other parish or place; and every person *keeping* a team and occupying lands, &c. under the yearly value of £50. in any *other* parish, &c. than that wherein he resides, shall respectively pay to the surveyor in

lies of statute duty the sums following:—1d. for each day for every 20s. of the annual value of such lands, &c. and 1d. for every 20s. of the annual value of such lands which he shall occupy in any such parish, &c. above the annual value of £50. and less than £100. and so for every 20s. that each progressive and intermediate annual value of 20s. which he shall so occupy shall fall short of the further increase of £50. in every parish, &c. where such lands, &c. lie, for every day's statute duty. *Ibid.* but no person keeping such team and performing the duty, not occupying lands, &c. of £30. yearly value, shall be obliged to send more than one labourer with his team; such sums to be deemed a composition, and may be recovered by the surveyor on summoning the defaulter to the petty sessions; two justices there may order the payment, and levy the same by distress and sale, or discharge the rate on proof of indigence. *s.* 5. Persons who shall not keep a team, but shall keep one or more cart or carts and one or two horses, shall perform statute duty with one labourer to attend each cart, or pay for the lands, &c. he occupies according to the rate after mentioned. *s.* 2.

Any person keeping a coach or post chaise, and not a team, nor occupying £50. a year, shall pay 1s. for each day's statute duty for every horse he shall draw in such carriage, or pay according to the value of the lands he occupies, at the option of

the surveyor.—If teams not deemed necessary, the party liable shall send to work for every one so spared, three able men, or 4s. 6d. in lieu, at the option of surveyor. *Ibid.* By 26 *Geo. III. c.* 107, militia-men are exempt from statute duty. Where the employment of teams is of such sort that two horses will be sufficient for one cart, or where a stand cart with one horse shall be necessary, the surveyor may require any person liable to send a team, who keeps one or more cart or carts and three or more horses, to send such cart or carts, horse or horses, to perform his statute duty as surveyor shall find most convenient, and he shall allow every such stand cart and one horse as half a team, and every cart and two horses as two-thirds of a team; and if a waggon shall be found necessary for any particular business, the surveyor may require the duty or part thereof to be performed with such waggon by any person who keeps one; which directions of the surveyor shall be observed, or the person liable to perform such duty shall forfeit such sum as the duty so required of him shall bear in proportion to the forfeiture inflicted for every neglect in performing duty with a team, &c. 13 *Geo. III. c.* 78, *s.* 36.

Persons liable to statute duty may compound by paying to the surveyor such sum as the justices at the Michaelmas sessions in every year may judge reasonable, not exceeding 12s. nor less than 3s. for each team per day; and in default of their adjudg-

ing, then in lieu of each day's duty for each team, 6s. For every cart with two horses, not exceeding 8s. nor less than 3s. and in default of their adjudging the same, the sum of 4s. for each cart with one horse, not exceeding 6s. nor less than 2s. and in default of their adjudging the same, the sum of 3s. in lieu of each day's duty. 44 *Geo. III. c.* 52, *s.* 2. Justices may order labourers to perform six days labour on the highway on being paid the usual wages. *s.* 6. and they may direct statute duty to be performed in kind, except in respect of such teams as belong to persons who do not occupy £30. a year. 34 *Geo. III. c.* 74, *s.* 6.

If part only of teams or labourers are required, the names of persons liable to statute duty shall be drawn by ballot at a public vestry, and the persons so drawn shall do the duty in kind for the year. *Ibid.*

Justices may reduce the duty or composition on any person keeping a team and not occupying lands, &c. of £30. a year in the parish, &c. where he resides, who shall in part maintain his horses on lands which he shall occupy in an adjacent parish. 13 *Geo. III. c.* 78, *s.* 40.

Two justices at a special or petty sessions (having first given notice to surveyor to appear) may exempt any poor and indigent person from payment of any rates, assessments, or composition for repair of the highways. 34 *Geo. III. c.* 74.

Surveyor on some Sunday in November yearly to give ten days notice at least in the church, a

repeat the same the next succeeding Sunday, of the time and place where persons inclined to compound may signify their intention, and every such person so signifying the same, who shall then or within one calendar month after pay the said composition to the surveyor, shall be discharged from performance of statute duty; no composition to be permitted unless paid within the time aforesaid. *s.* 41. but persons coming to reside as new occupants may pay the composition within fourteen days after they take possession; tenant quitting within six calendar months from the time fixed for the composition, may compound for half the duty, and the succeeding tenant may compound or perform the duty in kind for the other half. *Ibid.*

Persons keeping a draught or plough and no carriage shall pay to the surveyor 1*s.* for every horse or pair of oxen used in such plough for each day's duty, or pay according to the rate aforesaid for the yearly value of his estate, at the option of the surveyor. *s.* 42. Where there are turnpike roads a proportion of the composition to be paid to the turnpike surveyor. *s.* 44.

Justices at a special sessions may order what roads shall be first repaired, and if not, the surveyor shall have the like power of direction. *s.* 25.

Inhabitants in vestry may appoint three months in every year wherein no statute duty shall be performed, *viz.* one month in spring, one month in

summer for the hay harvest, and one month in summer for the corn harvest. *s.* 43.

The surveyor shall give or leave at the house or usual place of abode of every person liable to statute duty, four days notice at least, of the day, hour and place upon which each day's duty is required to be performed: *s.* 37. and all such persons must bring such implements as are necessary. 34 *Geo. III. c.* 74, *s.* 2. and to work eight hours each day. *Ibid.*

Any person sending a team and not sending a sufficient labourer besides the driver (except as aforesaid), or such labourer or driver refusing to do the necessary work, the owner to forfeit the same as if no team sent. *Ibid.*

Person making default in finding and sending such team with able men, to forfeit 10s. for default in sending a cart with one horse and one man, 3s. and for not sending a cart with two horses and one man, 5s. and making default in sending any such labourer, or in performing such labour at the time, place and manner directed by the act, or in paying composition for the same, shall for every neglect forfeit 1s. 6d. to be applied to the use of the highways. 13 *Geo. III. c.* 78, *s.* 37. and in cases where all the duty is not necessary, it shall be abated in an equal proportion. *Ibid.*

Surveyor may take rubbish or refuse stones of any quarry within his district, without the license of the owner, but not to dig or get stone without such license. 13 *Geo. III. c.* 78, *s.* 27. and may

search for, dig, get and carry away gravel, sand, chalk, stone or other materials for the repair of the highways on any common or waste lands, river or brook, doing no prejudice or damage; and may gather stones lying upon any lands within the parish where such highway shall be, without making satisfaction for the said materials; but satisfaction to be made for damage done to the lands by carrying away the same. *s.* 27. but no stones to be gathered without the consent of the occupier, or a license from a justice, after having summoned the occupier and heard his reasons for refusing his consent. *Ibid.*

Surveyor may also search for and get gravel and other materials in *inclosed* lands, not being a garden, yard, avenue, lawn, park, paddock, or inclosed plantation, (if not to be had on wastes) or by license from two justices at a petty sessions, making such satisfaction to the owner as shall be agreed upon between him and the person interested; and if they cannot agree, to be settled by one justice. *s.* 29.

No stone, gravel, &c. to be removed, except between the 1st of April and 1st of November, or in the time of hard frost in the winter. *s.* 32.

Persons damaging any hedge, mill, &c. in digging for materials, to forfeit not exceeding £5. nor less than 20s. *s.* 33.

Surveyors to fence and fill up holes made by digging for gravel, &c. *s.* 31. under penalty of 10s.

and if he neglect six days after notice from a justice or the owner of the land, he shall forfeit not more than £10. nor less than 40s. *Ibid.*

No tree, bush or shrub to be within fifteen feet of the centre of the highway, but the owner is to grub it up within ten days after notice from the surveyor, under penalty of 10s. for every neglect. 13 *Geo. III. c.* 78, *s.* 6. possessors of land next adjoining shall cut, prune or plash the hedges, and cut down, prune and lop trees growing near such hedges (except trees planted for ornament or shelter) and if same not done within ten days after notice from the surveyor, he may complain to a justice, who shall summon the offender before a special sessions of justices; and such justices may (on the hearing, or in default of appearance) order such trees to be cut, and hedges, &c. pruned; if not done within ten days after order made, the owner to forfeit 2s. for every 24 feet in length of such hedge, &c. and surveyor may cause the same to be done, and owner to pay the expenses, over and above the penalty; to be levied by one justice by warrant of distress. *s.* 7.

No person to be compelled or surveyor permitted to cut or prune any hedge at any other time than between the last day of September and the last day of March, nor fell or grub up any oak tree, &c. except in April, May, or June; or any ash, elm or other trees in any other months than December, January, February or March. *s.* 13.

Ditches, drains, or water-courses for conveying water from the highways, shall be made, scoured and cleansed; and sufficient trunks, &c. shall be made where any cart-ways, horse-ways, or foot-ways lead out of the highways into lands adjoining thereto, by the occupier of such lands; every person who shall occupy any lands adjoining to or near the highway through which the water hath used to pass from the said highway, shall open, cleanse, and scour the ditches, water-courses or drains, for the water to pass without obstruction; and any person making default after ten days notice given by surveyor, shall forfeit 10. *s.* 8.

If ditches, &c. shall not be sufficient to carry off the water from the highways, the surveyor by order of one justice may make new ditches, &c. in and through the lands adjoining or near such highway, and keep such ditches, &c. scoured, and may go upon the said lands for that purpose, provided he makes proper trunks, &c. where necessary, and keeps the same in repair, and also makes satisfaction to the owner or occupier of the land, (not being waste or common) for any damage which may be done. *s.* 14.

Any person laying straw, dung, stone, lime or other obstructions in the highway, and not removing the same after five days notice from the surveyor, to forfeit 10*s.* *s.* 9.

If any stone, timber, hay, straw, stubble or other thing shall be laid in the highway within 15 feet

of the centre thereof, and shall not be removed after five days notice from the surveyor or some person aggrieved, a justice may order the owner or occupier of the adjacent lands, or any other person, to remove the same, and such person shall have such stone or other matter to his own use. *s.* 10.

Persons making any ditch, fence, &c. within 15 feet of the centre of the highway, to forfeit 40*s.* the surveyor may cause such ditch &c. to be filled up or fence taken down, and one justice may on proof made to him on oath, levy the expense of so doing by distress. *s.* 63.

Surveyors to give notice in writing to persons doing or permitting the same, to remove nuisances and obstructions, and to scour ditches, &c. and if the same is not done within twenty days after such notice, the person so neglecting, to forfeit 1*d.* for every foot in length so neglected, and also pay the expense of the surveyors doing it, to be ascertained by the justice, and levied as before. *s.* 12.

Persons wilfully leaving carts or other carriages, or any implements of husbandry, (except during their loading or unloading, and standing as near the side of such highway as conveniently may be) so as to interrupt the passage of any other carriage, to forfeit 10*s.* *s.* 11.

Driver of carts, &c. riding on the same in London or within ten miles thereof, not having a person on foot to guide the same, to forfeit 10*s.* and if owner thereof not exceeding 20*s.* on conviction

before one justice, on the oath of one witness, to be levied by distress and sale, one half of the penalty to the informer and the other to the poor; in default such offender to be sent for three days to the house of correction. 1 *Geo. st.* 2, *c.* 57, and 24 *Geo. II. c.* 43, *s.* 8, 9, any person, though not a peace officer, may apprehend such offender and carry him before a justice; and any person obstructing his apprehension to forfeit 20*s.* *Ibid.*

If the driver of any carriage in London or Westminster, or within the bills of mortality, shall wilfully or by negligence interrupt the free passage of His Majesty's subjects, he shall on conviction by confession or oath of one witness, before one justice, forfeit not exceeding 20*s.* or be committed to the house of correction or other prison to hard labour for not more than one calendar month; one half of the penalty to the informer, and the other half to the poor, 30 *Geo. II. c.* 22, *s.* 7, 12. Any person though not a peace officer may apprehend the offender and convey him to a justice. *s.* 13. and if he refuses to discover the owner's name and residence to the justice, he shall be committed to the house of correction till he complies. *s.* 11.

If the driver of any cart, car, dray or waggon shall ride thereon in any street or highway, not having a person on foot or on horseback to guide the same (carriages conducted by a person holding the reins of the horse drawing the same excepted); or if the driver of any carriage shall by wilful neg-

ligence or misbehaviour cause any hurt or damage to any person or carriage passing on any street or highway, or shall quit the highway and go on the other side of the hedge or fence inclosing the same, or wilfully be at such distance from such carriage whilst it shall be passing on the highway that he cannot have the direction thereof, or shall by negligence or wilful misconduct hinder or interrupt the passage of any other carriage on the said highways; or if the driver of any empty waggon, &c. shall refuse or neglect to make way for any coach, chariot, chaise, loaded waggon, cart or other carriage; or if any person shall drive or act as driver of any such coach, post-chaise or other carriage let for hire, or waggon, wain or cart, not having the owner's name painted thereon, or shall refuse to discover the same, he shall on conviction, by confession, view of a justice, or oath of one witness before one justice, forfeit not exceeding 10s. if not the owner, and if the owner, not exceeding 20s. in default of payment he may be committed to the house of correction for not exceeding one month, unless penalty sooner paid; and such driver offending in either of the said cases may be apprehended by any person seeing the offence committed, without warrant, who shall deliver him to a peace officer to be conveyed to a justice; and if any driver shall refuse to discover his name, he may be committed to the house of correction for not exceeding three months,

or he may be proceeded against for the penalty by a description of his person. *s.* 60.

The owner's name to be painted on every waggon, cart, &c. with *Common Stage Waggon or Cart,* under penalty of not exceeding £5. nor less than 20s. and the like penalty for putting on any fictitious name or residence. *s.* 59. Toll collectors near bridges not to keep any alehouse, &c. nor sell wine, beer, ale, cyder or spirituous liquors, under penalty of £5. *s.* 62.

Justices at their special sessions may order surveyor to erect guide-posts, &c. and if he neglects by the space of three months, he shall forfeit 20s. 13 *Geo. III. c.* 78, *s.* 26.

Destroying or defacing parapet stones, battlements of bridges, posts, blocks or mile-stones, incurs a penalty of not less than 10s. nor more than £5. on conviction before one justice, by oath of one witness, or view of the justice; in default, the offender to be committed to the house of correction, to be whipped and kept to hard labour for not exceeding one calendar month nor less than seven days. *s.* 52.

No waggon having the sole or bottom of the fellies of the wheels of the breadth of nine inches, shall be drawn with more than eight horses, and no cart with more than five horses; and no waggon, the fellies being six inches in breadth and rolling on each side a surface of nine inches, shall be drawn with more than seven horses;—rolling a sur-

face of six inches, shall not be drawn with more than six horses; and no cart of same dimensions with more than four horses; no waggon of a less breadth in the fellies than six inches shall be drawn with more than five horses; and no cart with more than three, on penalty of £5. if owner and driver; not being owner, of 10s. for each horse above the number; the whole to informer; but carriages moving on wheels of the breadth of sixteen inches on each side, with flat surfaces, may be drawn by any number of horses. 13 *Geo. III. c.* 78, *s.* 55. Information to be laid within three days, and notice must be given by the informer to the driver, of his intention to complain; if the justice finds that the offender lives remote and cannot conveniently be summoned, he may dismiss the complaint and leave the informer to his remedy by action. *s.* 56.

Justices at Michaelmas session may license an increased number of horses on any road not turnpike, to be used in drawing carriages up any steep hill, or may stay proceedings for recovery of any penalty if the state of the weather render such increased number of horses necessary; but not to extend to carriages conveying a solid block of stone, or metal, or timber, or cable for the King's service; and two oxen to be considered as one horse. *s.* 58.

The wheels of every cart, car or dray within the bills of mortality, to be six inches broad in the felly, and not wrought about with iron, nor be drawn with more than three horses after they are

up the hills from the water-side, under penalty of 40s. to be recovered by warrant of one justice by distress and sale, and in default of payment in six days after demand, offender to be committed till paid; but not to extend to any country cart or waggon bringing goods or carrying goods half a mile beyond the paved streets; and any person using any cart, &c. with wheels six inches broad, when worn may have them bound with tires of iron, provided they are six inches broad and made flat, and not set on with rose-headed nails. 18 *Geo. II. c.* 33.

Two justices on view of the highways and of the necessity thereof, may widen, divert or change the same as they judge convenient; and an old way may be stopped up, and the land sold, where a new way is made with the approbation of the justices, who may also order highways rendered unnecessary to be stopped up. 13 *Geo. III. c.* 78, *s.* 15, 16, 17.

Satisfaction to be made to the owner of any ground that shall be laid into such new or enlarged highway; surveyor, with the approbation of the justices, shall make an agreement to that effect; and if no agreement can be made or owner cannot be found, or shall refuse to take the recompense offered by the surveyor, then the justices at any general quarter sessions, upon certificate in writing of the justices who made such view, and on proof of fourteen days notice in writing having been given by the surveyor to the owner or interested person, of his intention to apply to such quarter sessions to

take such ground, shall impannel a jury, who on their oaths shall assess the recompense to be made. *s.* 16. and if not sufficient money in the hands of surveyor for such purpose, the two justices may assess 6d. in the pound on all occupiers of land, &c. within the parish, and wherein such highway lies. *Ibid.*

On view of two justices any highway, public bridle way or foot way may be diverted so as to make the same nearer or more commodious, and if the owner of the land shall consent thereto by writing under his hand and seal, such justices at a special sessions may order such road to be diverted, turned or stopped up, and inclose, sell or dispose of the old highway, and purchase the ground for such new highway; and when such new highway is set out in lieu of the old one, any person aggrieved may appeal to the next quarter sessions on giving ten days notice in writing to the surveyor and party interested, if in time; and if not, then to the next sessions after the like notice; the said sessions to hear and finally determine such appeal, and if no appeal, or being made such order is affirmed, the said new way to be considered a public highway, foot way or bridle way; but no old way to be stopped till new one completed. *s.* 19. but see 55 *Geo. III. c.* 68, *post.*

Two justices at a special sessions, on application from the surveyor and oath made of the sums he hath *bona fide* laid out, or which will be required for the following purposes, *viz.*

For purchasing materials and making satisfaction for damages in getting and carrying away same;—erecting guide or other posts or stones; —making or repairing trunks, tunnels, plats, bridges, or arches;—damages done to lands by making new ditches and drains; — and salary paid to the surveyor, — may by warrant cause an equal assessment to be made on all occupiers of lands, tenements, woods, tithes and hereditaments, 13 *Geo. III. c.* 78, *s.* 30. not exceeding 6d. in the pound in any one year, of the yearly value; and if on application from the surveyor to the justices at their general or quarter sessions or at the special sessions of the highways, the said justices shall be satisfied by proof on oath that the duty hath been performed and the money duly applied and expended, or shall be satisfied that the common highways, bridges, causeways, streets or pavements belonging to the parish, &c. are so far out of repair that they cannot be sufficiently repaired by the means before prescribed, (notice being first given of such intended application at the church or chapel on some Sunday preceding such quarter or special sessions; or, if the place be extra-parochial, notice as aforesaid being given to some of the principal inhabitants, a week at least before such sessions) in such case an equal assessment shall be made and collected by such person, and allowed in such manner as such justices by their order shall direct. *s.* 45. provided the two assessments in one year do

not exceed 9d. in the pound of the yearly value. *s.* 46.

A constable refusing or neglecting to execute any warrant, and any other person resisting the execution of this act, to forfeit not less than 40s. nor more than £10. to be paid to the surveyor for the repair of the highways; and if not paid, a justice may commit to the house of correction for not exceeding three months, unless penalty sooner paid. *s.* 71.—The penalty on surveyor's neglecting his duty, not more than £5. nor less than 10s. *s.* 50. and he must present his book of accounts to the inhabitants in vestry within fifteen days before the special sessions to be holden in the week next after Michaelmas quarter sessions, to be inspected; after which he must verify his accounts on oath before a justice, who may allow the same, or postpone the allowance till a special session, which special session may disallow any part. *s.* 48.

Surveyor not delivering to his successor his books, tools, &c. shall forfeit not exceeding £5. nor less than 40s. and if he neglect to deliver over the balance in his hands, he shall forfeit double the sum so remaining in his hands; his executors or administrators to be liable in like manner in the event of his dying.

Any justice, either on his own view or on information on oath of the surveyor, may make presentment at the assizes, great sessions or general

quarter sessions, of any highway, causeway or bridge out of repair, and the justices at the said general or quarter sessions may cause the prosecution thereof to be carried on at the expense of the division. 13 *Geo. III. c.* 78, *s.* 24.

If a justice of the peace indict a road for being out of repair, (the indictment being afterwards removed by *certiorari*,) he is intitled to costs under 5 and 6 *W. and M. c.* 11, *s.* 3. if defendant is convicted. 5 *T. R.* 33.

Any person refusing to pay the sums assessed by any assessment, in ten days after demand, the surveyor or any other person may, by warrant of one justice, levy the same by distress, and in default of distress, the defaulter to be committed to the common gaol till paid. 13 *Geo. III. c.* 78, *s.* 67.—Surveyor may be a witness. *s.* 68.—General penalties, unless otherwise directed, to be recovered before one justice, on oath of one witness, or confession, by distress, or commitment for three months, unless the penalty is sooner paid; half to the informer, and half to the surveyor for the repair of the highway. But if surveyor be also the informer, then the whole to the highways. *s.* 72. and in case the offender lives out of the district, any justice in the district where he shall inhabit, may cause a distress warrant to be executed there, but distress not to be made till six days after conviction and order served for payment of penalty. *s.* 73.—An informer, where the penalties are above 40s.

may elect to sue by action, instead of information before a magistrate. *s.* 74. and no proceedings to be quashed for want of form, nor removed by *certiorari*. Appeal allowed to the sessions, on giving six days notice and within four days after such notice entering into recognizance to prosecute it. *s.* 80.—It has been settled that no appeal lies against the surveyor's accounts. 5 *T. R.* 629, the 48th section of the act providing that they shall be finally settled at a petty sessions.

Justices to return all proceedings had before them to the sessions in case of appeal, under a penalty of £5. *s.* 80.

By 54 *Geo. III. c.* 109, to amend the 13th *Geo. III. c.* 84, it is enacted, that if, upon the application of the surveyor of the highways of any parish, township or place to the justices of the peace at their general or quarter sessions, or at a special sessions for the highways, the said justices shall be fully satisfied that the common highways, bridges, causeways, streets or pavements belonging to such parish, township or place are so far out of order that they cannot be sufficiently amended and supported by the means prescribed in the act of the thirteenth year of his present Majesty's reign, and by the assessments therein authorized to be made and collected, it shall be lawful for the said justices to authorize, order and direct additional assessments to be made on such parish, township or place (over and above all the assessments

by the said act authorized to be made and collected); which said additional assessments shall be levied and collected by the same means, and in the same manner and form as is directed for the levying and collecting the assessments made under the authority of the said act, and upon the same persons as are therein declared to be liable to be rated to the said assessments. *s.* 1. provided that notice of such intended application, shall be first proved before the said justices, upon the oath of the surveyor making such application to have been given at the church or chapel on two Sundays preceding such general or quarter sessions, or special sessions for the highways; or in townships or places where there are no churches or chapels, to have been stuck up in writing in two or more conspicuous places within the said township or places, for one week at least previous to such general or quarter sessions; or in extra-parochial places to have been given in writing to some of the principal inhabitants residing in such extra-parochial place, a week at least before such sessions, in order that any person liable to be rated may object to the making of the said assessment. *s.* 2. such assessment not to exceed 1s. 9d. in the pound on the value at the time of making such additional assessment. *s.* 3.

In cases where it shall appear to two justices by surveyors of any highway or turnpike road that the repair can be made by a composition in money instead of statute duty, such surveyor shall be at li-

berty to demand such composition, by authority under the hands and seals of two justices, in lieu of the whole or part of the statute duty; the justices at petty sessions in the week next after Michaelmas to fix such rates with reference to the wages of labour. *s.* 4.

Persons liable to repair of highways by payment of money in lieu of statute duty, shall contribute thereto, in lieu of every day's statute duty, for every 20*s.* of the actual value of lands, &c. a sum equal to one-fiftieth part of the sum fixed by the justices as the composition for one day's labour of a cart, &c. furnished with three horses and two men, omitting any fractional part not amounting to a farthing; and all persons occupying more than £50. and less than £100. a year, shall contribute, in lieu of every day's statute duty, for every 20*s.* of the annual value over and beyond the said sum of £50. per annum, and under £100. a sum equal to one-fiftieth part of the sum fixed by the justices as a composition for one day's labour of a cart, &c. and furnished with three horses and two men, omitting any fractional part not amounting to a farthing; and so on progressively for every 20*s.* of the value which they shall occupy over and beyond every additional £50. per annum. *s.* 5.

Every person keeping a coach, post chaise, chair or other wheel carriage, and not a team, nor occupying £50. a year, shall pay to the surveyor in respect of every day's statute duty for every horse

drawing such carriage, the composition for one day's work of a horse, or for every 20s. of the annual value of the lands, &c. which he occupies, a sum equal to one-fiftieth part of the sum fixed by the justices as the composition for one day's labour of a cart, &c. with three horses and two men, at the option of the surveyor. *s.* 6.

Persons refusing to perform statute duty in kind, on being summoned, shall forfeit twice the amount of the composition for such statute duty, and shall also perform the statute duty either in that or the subsequent year. *s.* 7.

By 55 *Geo. III. c.* 68, to amend and repeal part of the act 13 *Geo. III. c.* 78, it is enacted, that when it shall appear on view of any two or more justices that any highway, public bridleway or footway may be diverted for the convenience of the public, and the owner of the land through which the same shall be made, shall consent thereto by writing under hand and seal, such justices may divert, turn and stop up such footway, and divert, turn, stop up, inclose and sell such old highway or bridleway, and purchase the ground for such new highway, &c. in manner directed by 13 *Geo. III. c.* 78, and said justices may also in the same manner stop up unnecessary roads, except that the money arising from the sale of such unnecessary roads shall be paid to the surveyor, to be applied to the general repairs of the highways, instead of being applied to the purchase of ground for the new highway; and in cases

where a highway is to be diverted or turned, &c. a notice shall be affixed by the side of the highway, &c. so intended to be diverted, turned, or stopped up, and inserted in one or more newspapers circulated in the county, or if no newspaper circulated in that county, then in any adjoining county, for three successive weeks after making the order; and a like notice to be affixed to the door of the church or chapel of every parish in which such highway, &c. lies, on three successive Sundays subsequent to the making the said order; which said order shall at the quarter sessions held next after the expiration of four weeks from the first day on which such notice shall be published, be returned to the clerk of the peace in open court and lodged with him, and shall at such quarter sessions be confirmed and enrolled among the records of the sessions. *s.* 2.

Persons aggrieved by any such order or the proceedings thereon, may appeal to the justices at such quarter sessions, on giving ten days notice of such appeal to the surveyor, and affixing such notice on the door of the church or chapel, and such quarter sessions may hear and finally determine the said appeal. *s.* 3.

If no appeal made, or being made the order of the justices shall be affirmed, the old highway, &c. may be stopped, and the proceedings shall be binding and conclusive, and new highway shall afterwards be and continue a public highway. *s.* 4.

Justices may hold a special sessions in the week

next after *Michaelmas*, to do and perform any act which they might heretofore have done at any special sessions to be holden the week after the Michaelmas quarter sessions. *s.* 6.

HIGHWAYS, *(Turnpike.)*

Turnpike roads are placed under the management of trustees by various local acts to which it would be proper to refer. The act 13 *Geo. III. c.* 84, applies in common to all turnpike roads, and by *s.* 70, the surveyor of every turnpike road may, with the approbation of the trustees, put in execution the several powers in the General Highway Act or Acts as fully and amply as the surveyors of the several parishes or townships could or might do by virtue of such General Highway Act or Acts.

A person qualified to act as trustee (unless otherwise directed by local act), must have an estate of £40. yearly value, or £800. personal property, or be heir apparent of a person possessed of £80. a year in land. 13 *Geo. III. c.* 84, *s.* 44. and no person to be a trustee who keeps a victualling house, or sells wine, &c. *s.* 46.

Treasurer and surveyor to give bond duly to account. *s.* 65. and no surveyor to have any interest in any contract for materials, &c. under penalty of £10. *s.* 36.

No gate-keeper to gain a settlement in the parish where toll-gate is situate, by virtue of residing in or

renting such toll-house. *s.* 56. No toll-house to be ratable to the poor, nor keeper removed to his settlement unless chargeable to the parish. *Ibid.*

Gate-keeper suffering any waggon, &c. to pass his gate in his view or with his knowledge, drawn by a greater number of horses, or constructed or drawn in any other manner or without such descriptions painted thereon as by this act directed, shall forfeit 40*s.* unless he proceed to recover the forfeitures within one week. *s.* 57.

Gate-keepers and surveyors to render an account on oath before a justice when required by five trustees, of all monies received, under penalty of £5. to be recovered before one justice. *s.* 55.

Gate-keeper refusing to give up possession within four days after another appointed, or within two days after notice of his discharge, one justice may by warrant order the constable in the day time to remove the persons and goods found therein, and put the new appointed officer in possession. *s.* 54.

Clerks, treasurers, surveyors, and other officers to give up, on ten days notice, all papers, &c. on pain of £20. *s.* 46.

Constable refusing or neglecting to put this act in execution, or to account for or deliver up any forfeiture; and every surveyor, toll-taker, &c. neglecting within one week to lay information for an offence committed, to forfeit £10. *s.* 73.

If toll-keeper neglects to weigh waggons, &c.

which he has reason to believe carry greater weights than allowed, he shall forfeit £5. *s.* 2. and driver not being above 300 yards beyond the toll-gate refusing to return, 40*s.* *s.* 4.

No waggon or other four-wheeled carriage, having the sole or bottom of the fellies of the wheels nine inches broad shall pass on a turnpike-road with more than eight horses, nor any two-wheel carriage with more than five horses; such horses to draw in pairs (except an odd horse, and except where the number of horses shall not exceed four), and no waggon, &c. having the sole, &c. of the fellies six inches broad to pass with more than six horses; nor any cart with more than four horses; and no waggon, &c. having the fellies less than six inches to pass with more than four horses; nor any cart, &c. with more than three horses, under penalty of £5. to the owner, and 20*s.* to the driver not being the owner. *s.* 67. Two oxen, &c. to be considered as one horse. *Ibid.* Information to be laid within three days.

Justices may authorize an increased number of horses in particular situations, &c. *s.* 18.

Waggons, &c. having the sole or bottom of the fellies of less breadth than nine inches, not to be drawn by horses in pairs, except carriages drawn by two horses only. *s.* 20. Offenders to forfeit not exceeding £5. nor less than 20*s.* *s.* 21.

By 52 *Geo. III.* c. 145, the exemption from tolls is extended to every waggon, cart or other car-

riage, and to the cattle drawing the same, going empty or loaded only with implements necessary for more convenient carriage, or loading or unloading manure. *s.* 1. but to prevent fraud, the tolls on empty carriages to be first paid and afterwards returned. Collector of tolls refusing to return toll, to forfeit not less than 10*s.* nor more than 40*s.* on conviction before one or more justices, and if same be not paid, offender may be committed to gaol for not exceeding one month. *s.* 2. Appeal allowed to the justices where the offence is committed. *s.* 3.

Four-wheeled carriages attached to waggons, &c. to be liable to same toll as if drawn by two horses; and two-wheeled carriages so attached, to the same toll as if drawn by one horse; but if any goods or other articles, except the harness or necessary package, are carried thereon, then they are liable to double toll. *s.* 7.

By 53 *Geo. III. c.* 82, no toll shall be demanded for carriages laden with manure for land, or the cattle drawing the same, by reason of any empty basket or sack, spade, shovel or fork being therein in addition to such manure. *s.* 2.

The clause in 52 *Geo. III. c.* 145, exempting from toll carriages going with dung or returning empty on the same day, not to prevent the operation of any local act which grants the exemption without such restriction. *s.* 3.

Owners of waggons, &c. not having their christian

and surnames painted with the words *Common Stage Waggon* (or *Cart,* as the case may be) and using such on the turnpike road without such names, &c. or putting a fictitious name or residence, to forfeit not more than £5. nor less than 20s. for every offence. 13 *Geo. III. c.* 84, *s.* 68. and driver to forfeit not exceeding £5. nor less than 10s. *s.* 21.

If the driver of any cart, car, dray or waggon shall ride thereon in any street or highway, not having a person on foot or on horseback to guide the same (carriages conducted by a person holding the reins of the horse drawing the same excepted); or if the driver of any carriage shall by wilful negligence or misbehaviour cause any hurt or damage to any person or carriage passing on any street or highway, or shall quit the highway and go on the other side of the hedge or fence inclosing the same, or wilfully be at such distance from such carriage whilst it shall be passing on the highway so that he cannot have the direction thereof, or shall by negligence or wilful misconduct hinder or interrupt the passage of any other carriage on the said highways; or if the driver of any empty waggon, &c. shall refuse or neglect to make way for any coach, chariot, chaise, loaded waggon, cart or other carriage; or if any person shall drive or act as driver of any such coach, post-chaise or other carriage let for hire, or waggon, wain or cart, not having the owner's name painted thereon, or shall refuse to discover the same, he shall on conviction, by confession, view of

a justice, or oath of one witness before one justice, forfeit not exceeding 10s. if not the owner, and if the owner, not exceeding 20s. in default of payment he may be committed to the house of correction for not exceeding one month, unless penalty sooner paid; such driver offending in either of the said cases may be apprehended by any person seeing the offence committed, without warrant, who shall deliver him to a peace officer to be conveyed to a justice; and if any driver shall refuse to discover his name, he may be committed to the house of correction for not exceeding three months, or he may be proceeded against for the penalty by a description of his person. 13 *Geo. III. c.* 84, *s.* 40.

Turnpike surveyor to cause the statute duty and composition to be done and laid out within his district, under penalty of 40s. for each offence. *s.* 32. and not to get stones on common fields or inclosed lands without consent of the occupier or license from a justice. *s.* 61. and satisfaction to be made by the trustees. *s.* 71.

Surveyor to forfeit £10. and be incapacitated if he hath any share in a contract for work or materials. *s.* 36.

Where there are several turnpike roads within the same parish, justices may apportion the statute duty to be performed by each. *s.* 32.

If turnpike road presented or indicted, and the court shall impose a fine for the repair, the same

with costs shall be apportioned between the inhabitants and the trustees. *s.* 33.

In cases where the statute duty may be dispensed with on turnpike roads, the whole or part of such duty may be performed on highways not being turnpike, within the same district, at the discretion of the justices at a special sessions. *s.* 38.

Surveyor suffering rubbish, &c. to remain for four days within 10 feet on either side of the middle of the road, to forfeit 40*s.* *s.* 37.

Any person making any hedge, ditch or fence on any turnpike road within 30 feet from the middle, or breaking up the soil, or turning his plough or harrow on any ground within the distance of 15 feet from the middle of such road, to forfeit 40*s.* and the trustees or any five of them may cause such hedge, &c. to be pulled down or filled up at the expense of the owner; and one justice may levy the expense of taking down the same, as well as the penalty, by distress and sale. *s.* 38.

If farmer of tolls take a greater or less toll than he ought, he shall forfeit £5. and the contract, if trustees think fit, shall be vacated; every other gate-keeper taking a greater or less toll, to forfeit 40*s.* *s.* 31.

If trustees erect or continue a gate, having no power, the justices in sessions on complaint may hear and determine the same in a summary way, and order the sheriff to remove it. *s.* 51.

Persons destroying or defacing direction posts, blocks, mile-stones, or parapets of bridges, to forfeit not exceeding £5. nor less than 10s. on conviction before one justice on view, on the oath of one witness; in default the offender to be committed to the house of correction to be whipped and kept to hard labour for not exceeding one calendar month nor less than seven days. *s.* 39. Surveyor not erecting same within three months after directions to be given, shall forfeit 20s. *s.* 41.

A penalty of £5. is incurred for evading the toll, by unloading goods, &c. before the carriage arrives at the weighing engine; the driver, not being the owner, may be committed to the house of correction for a month. *s.* 10. and the penalty on the owner endeavouring to avoid the weighing engine, from 20s. to £5. and on driver from 10s. to 50s. *s.* 11. And any person taking out horses from a carriage, or causing the distance of the wheels to be altered, so as to avoid the toll, shall forfeit £5. on conviction before one justice, on oath of one witness. *s.* 17.

Fraudulently taking the benefit of exemptions, to forfeit not less than 40s. nor more than £5. *s.* 28.

Persons forcibly opposing the execution of this act, assaulting any collector, passing without paying the toll, obstructing the measuring of wheels, rescuing goods distrained, or constable neglecting

to execute a warrant, shall forfeit not exceeding £10. nor less than 40s. and if not paid, commitment to gaol or house of correction, for not less than three months, unless sooner paid. *s.* 75.

All penalties and costs, if not otherwise directed by this act, to be levied by distress and sale, by warrant of one justice, on conviction by confession or oath of one witness; half the penalty to the informer and half to the surveyor for the use of the turnpike road, unless otherwise directed; and in default of distress, offender to be committed to the common gaol or house of correction for not exceeding three months, unless penalty sooner paid. Inhabitant may be a witness. *s.* 74. and justice may act though he is a creditor or trustee. *Ibid.*

If offender live out of the jurisdiction of any justice, any other justice may on request levy the same, or commit as aforesaid. *s.* 76. but no distress warrant to issue till six days after conviction and order for payment served. *s.* 77.

Surveyor or other person receiving salary being informer, penalty to be applied to amending the roads. *s.* 78.

No proceedings to be quashed for want of form, or removed by *certiorari*. *s.* 82.

Persons aggrieved, where no other remedy is appointed, may appeal to general quarter session, giving notice to the justice of his intention within six days after cause of complaint arose, and within four days after such notice, entering into recogni-

sance with one surety to try such appeal; justice on notice of appeal to return all proceedings to the sessions, under penalty of £5. *s.* 82.

Provided that no appeal shall be made against any conviction, unless the party convicted shall at the time of conviction if present, or if absent within six days, give notice of his intention, and at the same time enter into recognizance or give security to pay such penalty in case conviction shall be affirmed, and on giving such security, all further proceedings to be stayed until appeal determined. *s.* 83.

Warrant to the High Constable to issue Precepts to Petty Constables for return of Lists of Surveyors.

To the High Constable of the Hundred [or *Division*] of ——— in the county of ———.

——— to wit. In order to carry into execution an act made in the 13th year of the reign of His Majesty King George the Third, for the amendment and preservation of the public highways, These are to require you forthwith to issue out your precepts to all and every the petty constables of the several precincts, hundreds, and places within your said division [or *hundred*] of ———, thereby requiring them forthwith to give public notice to the churchwardens, surveyors of the highways, and householders being assessed to any parochial or public rate within their respective parishes, hamlets, or places, that they do assemble on the ——— day of September, 1817, at the church or chapel, or if there should be no church or chapel, then at the usual place of public meetings within their respective liberties, at the hour of eleven in the forenoon; and that the major part of them so assembled do make a list of the names of at least ten persons living therein, who each of them have an estate in lands, tenements, or hereditaments, lying within the

same, in their own right, or in right of their wives, of the value of £10. by the year, or a personal estate of the value of £100. or are occupiers or tenants of houses, lands, tenements, or hereditaments of the yearly value of £30. And if there should not be ten persons having such qualifications, then that they do insert in such list, the names of so many of such persons as are so qualified, together with the names of the most sufficient and able inhabitants, not so qualified, as shall make up the number ten, if so many can be found; if not, so many as shall be there resident, to serve the office of surveyor of the highways: and the said several petty constables are also severally required, within three days after making the said list, to deliver a copy thereof to one of the justices of the peace of the said —— living in or near the same ——, and also to give personal notices to, or cause notices in writing to be left at the places of abode of the several persons contained in such list, informing them of their being so named; to the intent that they may severally appear before us, and such other of His Majesty's justices of the peace of the said ——, at a special sessions to be holden at —— within the said ——, on the —— day of —— now next ensuing, at the hour of —— in the forenoon of the same day, to accept such office if they shall be appointed thereto, or to shew cause, if they have any, against their being appointed; and the said petty constables are likewise to give notice to the present surveyors of the highways within their respective ——, to appear at the same time and place, and then and there deliver in an account in writing upon oath before the said justices then and there assembled, of all the sum and sums of money by them received and paid as surveyors of the highways, and of every other matter and thing relating to and concerning the said office: and the said several petty constables are personally to appear before the said justices, at their special sessions, and then and there severally deliver to the said justices, the said original list or lists taken within their respective ——, and you the said high constable are then and there also to attend, to give an account of the execution of this our warrant.

Given under our hands and seals &c.

List of Persons to be returned to Justices.

A List of the several Persons named for Surveyors of the Highways, for the parish of —— in the county of ——, at a meeting held at —— in the said county, the —— day of September 1817.

A. B.
C. D. &c.

[*The following to be added when a particular person is recommended.*]

We whose names are hereunto subscribed, being two parts in three of the persons assembled at the meeting aforesaid, do agree in the choice of L. M. as a fit and proper person to serve the office of surveyor for the parish of —— aforesaid, and in the allowance to him of £——, for his trouble in executing the same for the year ensuing, and we do recommend the said L. M. to the justices for their appointment.

Notice to the Persons in the List.

Mr. A. B. of the parish of ——,

Take notice, that you were, at a meeting held at ——, on the —— day of September instant, named as one of the persons to be returned to the justices as fit to serve the office of surveyor for the said parish for the year ensuing; and if you have any cause to shew why you should not be appointed to serve such office, you must make the same appear before the justices at their special session, to be holden at —— in the said county, on the —— day of —— next.

C. D. Constable.

Appointment of Surveyor.

—— to wit. At a special sessions held at —— in the division of —— in the county of ——, by us whose names and seals are hereunto set and affixed, being justices of the peace for the said —— on the —— day of —— 1817, we do hereby nominate and appoint you, A. B. of —— in the said division,

surveyor of the highways within the said —— for the year ensuing, [*and if appointed with a salary, add*—and we do allow the said A. B. the salary of £—— for his trouble], and you the said surveyor are faithfully and truly to execute the said office, according to the directions of the statute passed in the 13th year of the reign of His Majesty King George the Third, and of the several subsequent statutes, for the amendment and preservation of the highways; an abstract of the material parts of which statutes is hereunto annexed, and which we hereby give you in charge.

Given under our hands and seals, the day and year abovementioned,

J. C.
S. P. &c.

Appointment of an Assistant Surveyor.

At a Special Sessions, held at ——, in the division of ——, by J. C. S. P. &c. Justices of the Peace for the county of ——, acting within the said division, on the —— day of ——, 1817.

—— to wit. We do hereby nominate and appoint C. D. a substantial inhabitant of the parish of —— in the said division, assistant to A. B. whom we have appointed surveyor of the highways for the said parish, and you the said C. D. are, to the best of your skill and judgment, to assist the said surveyor, whenever requested by him, in calling in and attending the performance of the statute duty, in collecting the compositions, fines, penalties, and forfeitures, and in making and collecting the assessments, and in making out and serving the notices authorised by the acts passed in the 13th, 34th, and 44th years of the reign of His present Majesty King George the Third, "For the Amendment and Preservation of the Highways," and in such other matters and things as shall reasonably be required of you by the said surveyor, in the execution of his office of surveyor, pursuant to the said act; and you are justly and truly to account with, and pay to the said surveyor, or to his order, the money which shall come to your hands by the means aforesaid.

Given under our hands and seals the day and year abovementioned,

J. C.
S. P. &c.

Notice of Application for a general Assessment.

—— to wit. Notice is hereby given, that application will be made to the justices of the peace acting for the hundred [or *division*] of —— in the said county, at their special sessions to be held at —— in the said county, on the —— day of ——, 1817, for an equal assessment to be made, not exceeding —— in the pound, upon all and every the occupiers of lands, tenements, woods, tythes, and hereditaments within the —— of ——, for the use and benefit of the highways within the said ——. Dated this —— day of ——, 1817.

C. D. Surveyor.

Order for a general Assessment.

At a Special Sessions for the Highways, held at —— in the Hundred [or *Division*] of —— in the County of ——, the —— Day of ——, 1817, by Justices of the Peace for the said County, acting within the said Hundred [or *Division*].

—— to wit. Upon application made to us by the surveyors of the highways for the —— of ——, and upon evidence given upon oath before us that the duty directed to be performed and the money authorized to be collected and received by an act passed in the thirteenth year of the reign of His Majesty King George the Third, "For the Amendment and Preservation of the Highways," have been performed, applied, and expended, according to the directions of the said act, [or *upon evidence given upon oath before us, we are fully satisfied that the common highways, bridges, streets, and pavements, belonging to the said —— of —— are so far out of order that they cannot be sufficiently amended and repaired, paved, cleansed and supported by the means prescribed by an act passed in the 13th year &c. "For the Amendment and Preservation of the Highways."*] And it appearing to us that notice had been duly given of such intended application, according to the direction of the said act, we do hereby order and appoint that an equal assessment, not exceeding —— in the pound, upon all and every the occupiers of lands, tenements,

woods, tythes, and hereditaments within the said —— of ——, shall be forthwith made by the surveyor and collected by him; and that the money so to be assessed and collected shall be applied for and towards the amending, repairing, paving, cleansing and supporting such highways, causeways, streets, pavements and bridges, and for other purposes, as directed by the said act.

Given under our hands and seals &c.

Notice of Time and Place for Composition.

Notice is hereby given, That all persons who are inclined to compound for their statute duty within the —— of ——, are hereby required to signify their intention to compound for the same to the surveyor of the highways for the said ——, at the house of ——, on —— the —— day of —— in the year of our Lord 1817, between the hours of —— and ——, and they are hereby required, at the same time or within the space of one month after, to pay their composition money to the said surveyor:—And also that all persons who are liable to pay for the lands and tenements, woods, tythes and hereditaments which they occupy, or in lieu of their duty within the said ——, according to the act made in the 13th year of His Majesty King George the Third, "For the Amendment and Preservation of the Highways," are required to pay the same to the said surveyor on the day or within the time aforesaid. Dated this —— day of —— 1817.

C. D. Surveyor.

Notice to perform Statute Duty (to be given four Days before the Day it is to be performed).

Mr. E. F.

You are hereby required to send a team, with two able men, to —— within the —— of ——, on —— the —— day of —— and the —— following days, at —— o'clock in the morning of each day, in order to perform such duty upon the highways within the said —— as shall be required by me the surveyor, pursuant to the direction of the act passed in the 13th year of the reign of His Majesty King George the Third, "For the Amendment and Preservation of the Highways." Dated this —— day of ——, 1817.

C. D. Surveyor.

The like for personal Labour.

Mr. E. F.

You are hereby required, by yourself or a sufficient labourer, to attend at —— within the —— of ——, on —— the —— day of —— and the —— following days, at —— o'clock in the morning of each day, in order to perform such duty upon the highways within the said —— as shall be required by me the surveyor, pursuant to the direction of the act passed in the 13th year of the reign of His Majesty King George the Third, "For the Amendment and Preservation of the Highways." Dated this —— day of ——, 1817.

C. D. Surveyor.

Notice to remove Nuisances.

To A. B. of ——.

In pursuance of the directions given by the act passed in the 13th year of the reign of His Majesty King George the Third, "For the Amendment and Preservation of the Highways," I the surveyor of the highways for the parish of —— do hereby give you notice forthwith to remove the [*dung, timber, stones, &c. as the case may be*], placed by you in a certain part of the King's highway, lying between —— and —— in the —— of ——, to the obstruction and annoyance of the said highway. Dated this —— day of ——, 1817.

C. D. Surveyor.

Notice from Surveyor to prune Hedges, scour Ditches, &c.

To A. B. of ——.

In pursuance of the directions given by the act passed in the 13th year of the reign of His Majesty King George the Third, "For the Amendment and Preservation of the Highways," I the surveyor of the highways for the —— of —— do hereby give you notice forthwith to cut, prune and plash the hedges, and cut or prune the trees, and to open, cleanse and scour the several ditches and water-courses belonging to you in or near the highway, lying between —— and ——, to the intent that the water may be drained from the said highway, and that the sun and wind may not be excluded from such highway, to the prejudice thereof. Dated this —— day of ——, 1817.

C. D. Surveyor.

woods, tythes, and hereditaments within the said —— of ——, shall be forthwith made by the surveyor and collected by him; and that the money so to be assessed and collected shall be applied for and towards the amending, repairing, paving, cleansing and supporting such highways, causeways, streets, pavements and bridges, and for other purposes, as directed by the said act.

Given under our hands and seals &c.

Notice of Time and Place for Composition.

Notice is hereby given, That all persons who are inclined to compound for their statute duty within the —— of ——, are hereby required to signify their intention to compound for the same to the surveyor of the highways for the said ——, at the house of ——, on —— the —— day of —— in the year of our Lord 1817, between the hours of —— and ——, and they are hereby required, at the same time or within the space of one month after, to pay their composition money to the said surveyor:—And also that all persons who are liable to pay for the lands and tenements, woods, tythes and hereditaments which they occupy, or in lieu of their duty within the said ——, according to the act made in the 13th year of His Majesty King George the Third, "For the Amendment and Preservation of the Highways," are required to pay the same to the said surveyor on the day or within the time aforesaid. Dated this —— day of —— 1817.

C. D. Surveyor.

Notice to perform Statute Duty (to be given four Days before the Day it is to be performed).

Mr. E. F.

You are hereby required to send a team, with two able men, to —— within the —— of ——, on —— the —— day of —— and the —— following days, at —— o'clock in the morning of each day, in order to perform such duty upon the highways within the said —— as shall be required by me the surveyor, pursuant to the direction of the act passed in the 13th year of the reign of His Majesty King George the Third, "For the Amendment and Preservation of the Highways." Dated this —— day of ——, 1817.

C. D. Surveyor.

The like for personal Labour.

Mr. E. F.

You are hereby required, by yourself or a sufficient labourer, to attend at —— within the —— of ——, on —— the —— day of —— and the —— following days, at —— o'clock in the morning of each day, in order to perform such duty upon the highways within the said —— as shall be required by me the surveyor, pursuant to the direction of the act passed in the 13th year of the reign of His Majesty King George the Third, "For the Amendment and Preservation of the Highways." Dated this —— day of ——, 1817.

C. D. Surveyor.

Notice to remove Nuisances.

To A. B. of ——.

In pursuance of the directions given by the act passed in the 13th year of the reign of His Majesty King George the Third, "For the Amendment and Preservation of the Highways," I the surveyor of the highways for the parish of —— do hereby give you notice forthwith to remove the [*dung, timber, stones, &c. as the case may be*], placed by you in a certain part of the King's highway, lying between —— and —— in the —— of ——, to the obstruction and annoyance of the said highway. Dated this —— day of ——, 1817.

C. D. Surveyor.

Notice from Surveyor to prune Hedges, scour Ditches, &c.

To A. B. of ——.

In pursuance of the directions given by the act passed in the 13th year of the reign of His Majesty King George the Third, "For the Amendment and Preservation of the Highways," I the surveyor of the highways for the —— of —— do hereby give you notice forthwith to cut, prune and plash the hedges, and cut or prune the trees, and to open, cleanse and scour the several ditches and water-courses belonging to you in or near the highway, lying between —— and ——, to the intent that the water may be drained from the said highway, and that the sun and wind may not be excluded from such highway, to the prejudice thereof. Dated this —— day of ——, 1817.

C. D. Surveyor.

Order for the Occupier (or, in default, Surveyor), to prune and plash Hedges &c.

At a Special Sessions relative to the Highways, held at —— in the county of ——, on —— the —— day of —— by Justices of the Peace for the said county, acting within the —— of ——.

—— to wit. It appearing to us, upon evidence this day received, that E. F. of &c. hath had due notice from the surveyor of the highways for the said ——, to cut, prune and plash his hedges adjoining ——, and to cut, prune and lop the trees growing in and near such hedges, in such manner that the highways may not be prejudiced by the shade thereof, and that the sun and wind might not be excluded therefrom, to the damage thereof, (pursuant to the statute made in the thirteenth year of the reign of His present Majesty), but that he hath not complied with such notice or with the requisites of the said act.

Now upon hearing the said surveyor, and upon due proof thereof made to us of the said E. F. having been duly summoned to attend here at —— o'clock —— to answer the said complaint; and he having made default in his appearance, and upon duly considering the circumstances of the case, we do order, that such hedges be cut, plashed and pruned so as not to exceed the height of —— from the surface of the field, and that all such trees as grow in and near such hedges in the grounds occupied by the said E. F. near the said highway, be cut down so that the sun and wind may not be excluded from such highway; and we do further order, that in case the said E. F. shall not obey this order within ten days from the date hereof, that then C. D. the said surveyor is hereby required to cut, prune and plash such hedges, and cut down such trees in manner directed by this order, and to proceed against him the said E. F. immediately afterwards, for recovery of the penalties and charges he will thereby incur.

Given under our hands and seals the day and year first above-written.

J. C.
S. P. &c.

Allowance of the Charges of the Surveyor for pruning Hedges &c. the Owner neglecting.

—— to wit. Whereas complaint hath been made unto me S. P. Esq. one of His Majesty's justices &c. by the oath of C. D. surveyor of the highways for the —— of —— in the said county, that A. B. of &c. having had due notice to cut and prune his hedges, and cleanse and scour his ditches and water-courses within or adjoining to the public highway between ——, and ——, hath neglected to do the same within the time required by such notice; and that the said C. D. hath caused the same to be cut, pruned, cleansed and scoured, pursuant to the directions of the act passed in the 13th year of the reign of His Majesty King George the Third, "For the Amendment and Preservation of the Highways," and hath expended therein the sum of £—— as appears by an account now produced to me, which account I think just and reasonable, and do therefore allow the same and hereby order the said A. B. to pay the said sum of £—— to the said C. D. within six days from the time of his being served with this order.

Given under my hand and seal &c.

Order to Surveyors to Repair Highways.

At a special Sessions held at —— in the —— of —— in the county of ——, the —— day of ——, 1817, by Justices of the Peace for the said county, acting within the said ——.

To the Surveyors of the Highways for the —— of —— in the said ——

—— to wit. It appearing to us, That the highway lying between —— and —— within your liberty, is very founderous and in bad repair, and being of great public use, we do hereby order that you repair or cause the same to be repaired before the —— day of —— next.

Given under our hands and seals, this —— day of ——, in the year of our Lord 1817.

J. C.
S. P. &c.

Justices' Precept to the Surveyors to make a Return of the State of the Highways.

To the Surveyors of the Highways of the —— of —— in the county of ——.

—— to wit. These are in His Majesty's name, and in pursuance of the act of parliament, to require you forthwith to take a view of all the roads, common highways, bridges, causeways, pavements, hedges, ditches and water-courses appertaining to, and of all nuisances and encroachments made upon the highways in your said parish of which you are surveyors, and to make a return in writing upon oath at a special sessions appointed to be held at ——, on —— the —— day of —— at twelve o'clock at noon, of the state and condition of such highways, and more especially of such faults and defects therein as want to be amended and repaired, and of the neglect of labourers and teams for the amending such highways, and of those that are obliged to find labourers for the use aforesaid, of which you are not to fail.

Given under our hands and seals this —— day of ——, in the year of our Lord 1817.

J. C.
S. P.

Surveyors' Return of the State of the Highways.

—— to wit. A. B. and C. D. surveyors of the highways for the parish of ——, do hereby certify, that we have in pursuance of a warrant to us directed, taken a view of all the roads, highways &c. within our said parish, and that the same are in good repair, that His Majesty's subjects may pass and repass without danger; and that there are no nuisances or encroachments thereon.

Sworn the —— day of ——, 1817, before us,

J. C.
S. P.

High Constable's Precept to Petty Constables to issue Precepts for Surveyors to make Returns as to the state of the Roads.

To the Constable of ——.

—— to wit. By virtue of a precept from His Majesty's justices of the peace acting in and for this county, to me directed, you are hereby required forthwith to give notice to the surveyors of the highways within your precinct, that they must attend in person at a special sessions to be held at ——, on —— the —— day of —— at —— o'clock in the ——noon, and make a return in writing of the state of their highways, and of their having duly collected the compositions and called in the statute duty, and of all persons making default therein. And you are then and there to attend, and make a return of your due execution hereof, and of all things presentable belonging to your office, and enquirable at the next quarter sessions. Herein fail not at your peril.

Given under my hand this —— day of ——, 1817.

W. S. High Constable.

Justices' Precept for erecting Guide Posts, &c.

At a Special Sessions held at —— for the division of —— in the county of ——, before Justices of the Peace for the said county, acting within the said division, on the —— day of ——, 1817.

To the Surveyor of the parish of —— in the said county.

—— to wit. You are hereby required forthwith to erect or cause to be erected in the most convenient place upon the highway lying between —— and —— within your liberty, where the roads cross or branch out, a guide post, with proper inscriptions painted on both sides thereof, in large legible letters, denoting the towns of —— and —— [or *other places, as the justices shall think fit*], and you are allowed to charge

the reasonable expenses of providing and erecting the same in your accounts. [Or *if graduated stones or posts are necessary to prevent accidents by water*, say—in the most convenient place upon the highway, at the approach or entrance on each side of the ford or water called ——, graduated posts to denote the depth of water in the deepest part thereof, through which such highway passes.]

J. C.
S. P.

License from Justices to get Materials for the Repair of the Highways in another Parish.

At a Special Sessions held at —— for the —— of —— in the county of —— by Justices of the Peace for the said county, acting within the said ——, on the —— day of ——, 1817.

—— to wit. It appearing to us, upon evidence this day received, that sufficient materials cannot conveniently be had within the waste lands, common grounds, rivers or brooks, nor in the enclosed lands or grounds lying within the —— of —— in the said ——, for the repair of the highways within the same, nor in the waste lands, common grounds, rivers or brooks within the —— of —— adjoining to the said —— of ——, We do hereby give our license to the surveyor of the said —— of —— to search for, dig, get and carry sand, gravel, chalk, stone and other materials within the enclosed lands or grounds of —— within the said —— of ——, to be employed in the repair of the highways within the said —— of ——, it appearing from evidence laid before us that there are proper materials within the said lands for the purposes aforesaid, lying convenient to the said highways; and that after such materials shall be so taken, there will be sufficient left for the use of the highways within the said —— of ——, upon the said surveyor's making satisfaction and recompense for the same, in the manner directed by the act passed in the thirteenth year of the reign of His Majesty King George the Third, "For the Amendment and Preservation of the Highways," subject to such restrictions as are therein contained.

Given under our hands and seals the day and year above-written.

J. C.
S. P.

Application of a Surveyor to a Justice for license to take Stones from Lands, being private Property, Occupier refusing his consent.

—— to wit. Be it remembered, That on the —— day of ——, 1817, at —— in the said county, C. D. surveyor of the highways within the parish of —— in the said county, in his proper person cometh before me S. P. Esq. one of His Majesty's justices of the peace in and for the county aforesaid and complaineth that he hath applied to A. B. of —— for his consent to gather stones from a certain field called ——, being the freehold of the said A. B. and now in his actual occupation within the said parish of ——, for the purpose of repairing and amending the highways within the said parish. And further, upon his oath the said C. D. informeth me the said justice that the said stones are necessary materials for the repair of the highways, and that proper materials cannot otherwise be procured, and that the said A. B. hath refused to permit the said stones to be so gathered; wherefore the said C. D. prayeth the order of me the said justice in the premises, according to the form of the statute in such case made and provided.

C. D.

Exhibited before me, the
—— day of ——, 1817,
S. P.

Justice's License.

To the Surveyor of the Highways for the parish of —— in the county of ——.

—— to wit. Whereas by an act of parliament made in the 13th year of the reign of His Majesty King George the Third, for the amendment and preservation of the highways, the surveyors of the highways are empowered to gather stones lying upon any lands or grounds within their respective districts for the use and benefit of the highways, but not without the consent of the occupiers of such land, or a license from a justice of the peace for that purpose. And whereas it appears to me S. P. Esq. one of His Majesty's justices &c. upon the

oath of C. D. surveyor of the highways of the parish of —— in the said county of ——, that he hath applied to A. B. of —— for his consent to gather stones from the field called ——, being the freehold of him the said C. D. and now in his actual occupation, within the said parish of ——, for the repairing and amending the highways within the said parish, and that the said stones are necessary for the repair of the same, and that the said C. D. hath refused to permit the same to be gathered. And the said A. B. having been duly summoned to appear before me the said justice to shew cause why such permission should not be granted, and having this day appeared before me at this place accordingly, I have heard and considered the allegations as well of the said A. B. as of the said surveyor, and do hereby order and adjudge that the said stones are necessary for the repair of the said highways and ought to be gathered and carried away for the purposes aforesaid, therefore I do hereby license, empower and order the said surveyor to take and carry away the same accordingly.

Given under my hand and seal &c.

Justice's Order to make new Drains.

To C. D. Surveyor of the Highways for the parish of ——.

—— to wit. Whereas complaint hath been made unto me S. P. Esq. one of His Majesty's justices of the peace for the said county, that the ditch, gutter or water-course for conveying the water from the highway at —— in the —— of —— in the said county, is not sufficient for that purpose, and that the cleansing and opening the same will not effectually carry off the said water, but that the said highway may be effectually drained and the water carried off by making a new ditch or drain through the lands or grounds of L. M. lying near the same, for the length of —— yards, and the breadth of —— feet; and the said L. M. hath been duly summoned before me, to shew cause, if he had any, why the said ditch or drain should not be made, but hath not appeared [or *not shewing sufficient cause against the same*], and it appearing to me that such ditch or drain is necessary, I do hereby order and require you to enter into and upon the said lands, and there make or cause to be made a new ditch or drain, of the length and breadth aforesaid and of a convenient depth, making or

tendering sufficient satisfaction to the said L. M. for the damages to be done thereby, within one calendar month after the same shall be so made; such damages to be settled and ascertained in manner directed by the act passed in the thirteenth year of the reign of His Majesty King George the Third, "For the Amendment and Preservation of the Highways."

Given under my hand and seal this —— day of ——, in the year of our Lord 1817.

S. P.

Summons for not paying an Assessment.

To A. B. of the —— of —— in the county of ——.

—— to wit. Whereas complaint and information hath been made upon oath before me, one of His Majesty's justices of the peace for the said county, by the surveyor of the highways for the said ——, that by a rate or assessment duly made, allowed and published, according to the statute in that case made and provided, the sum of —— was duly rated and assessed upon you, for and towards the amending, repairing and supporting the highways within the said ——, in pursuance of the statute of the 13th of George III. c. 78, intituled "An Act to explain, amend, and reduce into one Act of Parliament the Statutes now in being for the Amendment and Preservation of the Public Highways within that Part of Great Britain called England, and for other Purposes." These are therefore to require you personally to appear before me or such other of His Majesty's justices of the peace as shall be present at —— in the said county, on —— the —— day of ——, at the hour of —— in the —— noon, there to answer to the said complaint and information, and to shew cause why the said sum should not be levied on your goods and chattels, pursuant to the said statute. Herein fail not.

Given under my hand and seal &c.

Warrant of Distress for an Assessment.

To the Surveyor of the Highways of the —— of —— in the county of ——.

—— to wit. Whereas in and by a rate and assessment duly made, assessed, allowed and published, according to the statute in that case made and provided, the sum of —— was duly rated and assessed upon A. B. of —— aforesaid, for and towards the amending, repairing and supporting the highways and streets within the said parish, in pursuance of the statute of the 13th of Geo. III. c. 78, intituled, "An Act to explain, amend and reduce into one Act of Parliament the Statutes now in being for the Amendment and Preservation of the Public Highways within that Part of Great Britain called England, and for other Purposes." And whereas it duly appeareth unto me, one of His Majesty's justices of the peace in and for the said county, as well upon the oath of the surveyor aforesaid as otherwise, that the said sum of —— hath been duly and lawfully demanded of him the said A. B. and that he hath refused or neglected to pay the same for the space of ten days after such demand; And whereas the said A. B. hath not appeared before me, in pursuance to my summons for that purpose, nor hath shewed to me any sufficient cause why the same should not be paid; These are therefore to require you the said surveyor forthwith to levy the said sum of —— by distress and sale of the goods and chattels of the said A. B. and out of the money arising by such sale that you detain the said sum of ——, and also your reasonable charges of taking, keeping and selling the said distress, rendering to him the said A. B. the overplus on demand: And if no such distress can be made, that then you certify the same unto me, to the end that such further proceedings may be had therein as to law doth appertain.

Given under my hand and seal this —— day of ——, in the year of our Lord 1817.

S. P.

Summons for non-performance of Statute Duty with a Team.

To A. B. of the —— of —— in the county of ——.

—— to wit. Whereas complaint and information hath been made upon oath before me, one of His Majesty's justices of the peace for the said county, by the surveyor of the highways of the said ——, that you the said A. B. reside in the said ——, and keep a team, draught or plough, and are liable by the statute of 13th Geo. III. cap. 78, to send a team properly furnished, with —— able men, to perform your statute duty, and work in the highways of the said —— for six days in the year, and that you have had due notice from the said surveyor to send —— wain, cart or carriage properly furnished, and —— able men, on the —— day of —— and the —— following days, at —— o'clock in the morning of each day, to work in the repair of the highways under his direction; and that you have made default therein, whereby you have incurred a penalty of ten shillings a day for every team, and one shilling and sixpence a day for every labourer not sent according to such notice, amounting in the whole to ——: And the said surveyor hath thereupon prayed that such proceedings may be had against you for the recovery of the said penalties as the act directs. These are therefore to require you personally to appear before me, or such other of His Majesty's justices of the peace as shall be assembled at a special sessions to be holden at —— in the said county, on the —— day of —— at the hour of —— in the ——noon of the same day, to answer to the said complaint and information, and to shew cause why the said penalty should not be levied on your goods and chattels, by distress and sale thereof, pursuant to the statute. Herein fail you not.

Given under my hand and seal &c.

Summons for not paying Composition in lieu of Duty.

To A. B. of the —— of —— in the county of ——.

—— to wit. Whereas complaint and information hath been made upon oath before me, one of His Majesty's justices of the peace for the said county, by the surveyor of the highways

of the said ——, that you the said A. B. occupy lands, tenements, woods, tythes or hereditaments under the yearly value of £50. in the said —— of ——, *viz.* of the yearly value of ——, and by the statutes 13 Geo. III. c. 78, are liable in respect thereof to contribute to the repair of the highways therein, and to pay to the said surveyor, in lieu of your statute duty, the sum of ——, being at the rate mentioned in the statute; and that the said surveyor hath duly demanded the said money of you, but you have neglected and refused to pay him the same, contrary to the said statute: These are therefore to require you personally to appear before me, or such other of His Majesty's justices of the peace as shall be assembled at a special sessions to be holden at —— in the said county, on the —— day of ——, at the hour of —— in the ——noon of the same day, to answer to the said complaint and information, and to shew cause why the said sum of money should not be levied on your goods and chattels by distress and sale thereof, pursuant to the statute. Herein fail not.

Given under my hand and seal &c.

Summons for not performing personal Duty.

To A. B. of the —— of —— in the county of ——.

—— to wit. Whereas complaint and information hath been made upon oath before me, one of His Majesty's justices of the peace for the said county, by the surveyor of the highways of the said ——, that you the said A. B. being a person inhabiting in the said ——, and of the age of eighteen and under the age of sixty years, and not chargeable to the repairs of the said highways in any other respect, and not being *bona fide* an apprentice or menial servant, nor having performed any statute duty on the highways, or paid any composition for the same, in any other parish, township or place for the present year, but being liable by yourself or one sufficient labourer to work and labour in the amendment of the highways within the said ——, for six days in the year, under the direction of the surveyor; and having had due notice from the said surveyor to attend on the —— day of —— and the —— following days, at —— o'clock in the morning of each day at ——, to work on the repair of the said highways under his direction, have made default therein and have not performed

such labour at the time and place aforesaid, pursuant to the said notice, whereby you have incurred a penalty of one shilling and sixpence for each day's neglect in performing such labour as aforesaid; And the said surveyor hath thereupon prayed that such proceedings may be had against you for recovery of the said penalty, as the act directs.

These are therefore to require you personally to appear before me or such other of His Majesty's justices of the peace as shall be assembled at a special sessions to be holden at —— in the said county, on the —— day of —— at the hour of —— in the ——noon of the same day, to answer to the said complaint and information, and to shew cause why the said sum of money should not be levied on your goods and chattels by distress and sale thereof, pursuant to the statute. Herein fail not.

Given under my hand and seal this —— day of ——, in the year of our Lord 1817.

J. C.

Justices' Notice to Surveyor to shew cause why a poor Labourer should not be discharged from Highway Rates or Composition, by 34 Geo. III. c. 74.

To C. D. Surveyor of the Highways within the parish of —— in the county of ——.

—— to wit. Whereas A. B. of —— in your parish, labourer, hath this day made complaint on oath before us, two of His Majesty's justices of the peace, &c. in petty sessions assembled, that he wholly gains his living by daily labour, and that by reason of his numerous family he is very poor and indigent, and wholly unable to pay any rates, assessments or composition for repair of the highways within the parish of ——, and therefore prays of us the said justices to be exempted from paying the same, we the said justices do therefore hereby give you notice to appear before us at —— in the said county, on —— the —— day of ——, at a petty sessions to be then and there held, to shew cause why the said A. B. should not by us be discharged from the payment of such rates, assessments or compositions accordingly.

Given under our hands and seals &c.

Complaint relative to the Repair of such part of the Highways as are to be Repaired by two Parishes.

—— to wit. At a petty session holden before J. C. and S. P. Esquires, two of His Majesty's justices of the peace for the said county, this —— day of ——, in the year of our Lord 1817, C. D. one of the surveyors of the highways of the parish of —— came before the justices aforesaid, and gave them to be informed, That there is in the said county a certain common highway leading from —— to ——, and that there is a certain part of the said highway, that is to say, so much thereof as lies between a certain place called —— and a certain other place called ——, being in length [*as the fact is*], one side of which last-mentioned part of the highway adjoining to the parish of ——, lies within the said parish of ——, and is to be and of right ought to be repaired by the said parish of ——, and that the other side of the same part of the said highway adjoining to the parish of ——, lies within the said parish of ——, and is to be and of right ought to be repaired by the said parish of ——; and stated that the repair of such part of the said highway is very inconvenient to the parties aforesaid, and the want thereof detrimental to the public; and therefore praying that such part of the said highway may be allotted and apportioned for the repair thereof, by the justices aforesaid, to the said several parishes of —— and ——, in the manner directed by an act passed in the 34th year of the reign of King George the Third, intituled, "An Act for the more effectually Repairing of such parts of the Highways of this Kingdom, as are to be Repaired by two Parishes."

C. D. one of the surveyors of the highways for the parish of ——.

The above application was made to us the day and year first above-written,

J. C.

S. P.

Summons to be subjoined to a copy of the above Information.

To the Surveyors of the Highways of the parish of —— in the county of ——, or to any or either of them.

—— to wit. Whereas a certain information has been given to us, J. C. and S. P. Esquires, two of His Majesty's justices of the peace for the said county, by C. D. one of the surveyors of the highways of the parish of —— in the said county, a true copy whereof is above written; these are in His Majesty's name to summon you or any or either of you to appear before us at —— in the said county, on the —— day of ——, to shew cause (if any) why an allotment and apportionment of the highway therein mentioned should not be made, according to the provisions of the act referred to in the said information. Herein fail not.

Given under our hands the —— day of ——, 1817.

J. C.
S. P.

Final Order and Adjudication, to be Filed with Clerk of the Peace.

—— to wit. Whereas C. D. one of the surveyors of the highways for the parish of ——, came before us J. C. and S. P. Esquires, two of His Majesty's justices of the peace for the said county, and gave us to be informed that there was in the said county a certain common highway, leading from [*as in the Information to the end, verbatim*]. And whereas the surveyors of the highways of the said parish of —— were duly summoned to appear before us the said justices at —— in the said county of ——, on the —— day of —— last, to shew cause (if any) why an allotment and apportionment of the highway therein mentioned should not be made, according to the provisions of the said act; Now we the justices aforesaid, having fully heard and understood the premises, do declare, adjudge and order that the said highway shall be divided in the following manner; that is to say, that at the distance of ——, measuring from the place called ——, there shall be erected certain posts or stones —— and ——, on each side of the

said highway; and that the whole of the said highway from the place called —— to such posts or stones shall be from time to time and at all times hereafter repaired by the said parish of ——; and that the whole of the said highway, from such posts or stones to the place called ——, shall from time to time and at all times hereafter be repaired by the parish of ——. In witness whereof we have hereunto set our hands and seals this —— day of ——, 1817.

J. C.
S. P.

Notice of turning, diverting or stopping up a Public Highway, &c. under 55 Geo. III. c. 68.

Notice is hereby given, That on the —— day of —— last, an order was signed by J. C. and S P. Esqrs. two of His Majesty's justices of the peace in and for the county of ——, for [*if the order be for turning, diverting, stopping up &c. here state it, and describe the road ordered to be turned, diverted or stopped up;* or *if the order be for stopping up a useless road, state it so and describe the road*], and that the said order will be lodged with the clerk of the peace of the said county, at the general quarter sessions of the peace to be holden at —— in and for the said county, on the —— day of —— next, and also that the said order will at the said quarter sessions be confirmed and enrolled, unless upon appeal against the same then made, it shall be otherwise determined.

Order for turning a Highway through another's Land, with his Consent.

—— to wit. We J. C. and S. P. Esquires, two of His Majesty's justices of the peace for the said county, at a special sessions held at —— in the division of —— in the said county, on —— the —— day of ——, 1817, having upon view found that a certain part of the highway within the parish of —— in the said division, lying between —— and —— for the length of —— yards, or thereabouts, and particularly described in the plan hereunto annexed, may be diverted and turned so as to make the same nearer [or *more commodious*] to the public; and having viewed a course proposed for the new highway, in

lieu thereof, through the lands and grounds of A. B. and C. D. of the length of —— yards or thereabouts, and of the breadth of —— yards or thereabouts, particularly described in the plan hereunto annexed; and having received evidence of the consent of the said A. B. and C. D. to the said new highway being made through their lands herein before described, by writing under their hands and seals; we do hereby order that the said highway be diverted and turned through the lands aforesaid; and we do order an equal assessment, not exceeding the rate of sixpence in the pound, to be made, levied and collected, upon all and every the occupiers of lands, tenements, woods, tythes and hereditaments in the said parish of ——, and that the money arising thereupon be paid and applied in making recompense and satisfaction for the same unto the said A. B. and C. D.

J. C.
S. P.

Owners' Consent.

We A. B. and C. D. of —— in the county of ——, being owners of the lands described in the plan hereunto annexed, through which part of a certain highway lying between —— and —— is intended to be diverted and turned, in consideration of the sum of £—— to be paid to each of us, for the said land, and the soil thereof, [or *in consideration of the said old highway being sold, exchanged, &c. to be vested in us, and also of the sum of* £——, or *as the fact is*], do hereby consent to the making and continuing such highway through our said lands.

Given under our hands and seals &c.

Order for diverting or widening a Highway.

—— to wit. We whose names and seals are hereunto set and affixed, being two of His Majesty's justices of the peace for the said county, acting within the division of —— in the said county, having upon view found that a certain part of the highway between —— and —— in the parish of —— in the said division, for the length of —— yards or thereabouts, and particularly described in the plan hereunto annexed, is for the

greatest part thereof narrow, and may be conveniently enlarged and widened by adding thereto from the lands and grounds of A. B. and C. D. the length of —— yards or thereabouts, and the breadth of —— yards or thereabouts, particularly described in the plan hereunto annexed, which we think will be much more commodious to the public; do hereby order that the said highway be widened and enlarged through the lands aforesaid, and that the surveyor of the highways for the parish of ——, where the said old highway lies, do forthwith proceed to treat and make agreement with the said A. B. and C. D. for the recompense to be made for the said ground and for the making such ditches and fences as shall be necessary, in such manner, with such approbation, and by pursuing such measures and directions in all respects, as are warranted and prescribed by the statute made in the thirteenth year of the reign of His Majesty King George the Third, "For the Amendment and Preservation of the Highways;" and in case such agreement shall be made as aforesaid, we do order an equal assessment, not exceeding the rate of sixpence in the pound, to be made, levied and collected upon all and every the occupiers of lands, tenements, woods, tythes and hereditaments in the said parish, and that the money arising thereupon be paid and applied in making such recompense and satisfaction as aforesaid, pursuant to the directions of the said act.

Given under our hands and seals &c.

[If the road is to be turned, then after the words "is for the greatest part narrow," say "and cannot be conveniently enlarged and made commodious for travellers without diverting and turning the same, and having viewed a course proposed for the said new highway, through the lands and grounds of, &c." and say afterwards "diverted and turned" instead of "widened and enlarged."]

Certificate to the Sessions thereon.

To the Justices of the Peace at the General Quarter Sessions to be held at —— in the county of ——, the —— day of ——, 1817.

—— to wit. We the within named J. C. and S. D. do hereby certify to the said court of quarter sessions, that we made and signed the within order, and that with our appro-

bation and by our direction, the said surveyor hath treated with the said A. B. and C. D. for the said lands required for the purposes aforesaid, but was not able to make any agreement for that purpose with the said A. B. and C. D. and that he tendered to the said A. B. and C. D. the sum of £—— as a recompense for the said ground and for making the said ditches and fences, which they refused to receive.

J. C.
S. P.

Warrant of Distress for not scouring Ditches &c.

To the Constable of the parish of —— in the county of ——.

—— to wit. Forasmuch as C. D. of the —— of —— in the said county of ——, is convicted before me S. P. Esq. one of His Majesty's justices of the peace in and for the said county, for that he the said C. D. (being the occupier of lands next adjoining to the common highway in the said —— of ——, and liable to cleanse, open and scour the ditch and drain lying between the said common highway and the lands so occupied by him the said C. D. as aforesaid, in order to drain and keep dry the said common highway next unto such ditch, as often as occasion should be; and having had due and legal notice from the surveyors of the said —— to open, cleanse and scour the said ditch or drain so adjoining to the said highway as aforesaid), hath neglected, refused and made default in opening, cleansing and scouring the said ditch or drain adjoining to the said highway in the said —— of ——, whereby he hath forfeited the sum of ten shillings; These are therefore in His Majesty's name to command you to levy the said sum of ten shillings, by distress of the goods of him the said C. D. and if within the space of five days next after such distress by you taken, the said sum of ten shillings, together with the reasonable charges of taking and keeping the said distress shall not be paid, that then you do sell the said goods so by you distrained, and out of the money arising by such sale that you do pay the said sum of ten shillings to him the said surveyor, to be employed in such manner as the statute in that case directs, returning to him the said C. D. the overplus upon demand.

Given under my hand and seal this —— day of ——, 1817.

S. P.

Order for Repair of a New Highway.

—— to wit. We, two of His Majesty's justices of the peace acting within the division of —— in the said county, having, at the request of the parties interested in the repairs of the highway [or *turnpike road*] hereafter mentioned who could not agree about the repairs thereof, viewed a certain part of the highway [or *turnpike road*] described in the plan hereunto annexed, of the length of —— yards, which hath been set out and appropriated for a new highway [or *turnpike road*] between —— and ——, in lieu of an old highway [or *turnpike road*] which hath been ordered to be stopped up; and having also viewed the ground where the said old highway was situated, and having summoned the surveyor of the said new highway [or *turnpike road*] and also A. B. who was liable by tenure &c. [*if the old road laid in a different parish and was to be repaired by the inhabitants, then say,* and also the surveyor of the parish of —— where the said old road lay, who were liable &c.] to repair the said old highway [or *turnpike road*], to appear before us this day, and having heard what has been alledged touching the repair of the said part of the said highway [or *turnpike road*], and having fully considered the same and all the circumstances of the case, we think it just and reasonable, and we do hereby order and adjudge that the said A. B. [or *the inhabitants of the said parish &c.*] shall from time to time repair and keep in repair the whole [or *a part*] of the said highway from —— to ——, containing —— yards in length, at each end whereof we have caused a post or stone to be placed to ascertain the extent thereof.

Given under our hands and seals, &c.

[If it be agreed by the consent of the parties to pay a sum in gross, in lieu of such repairs, then after the word "adjudge," insert "by and with the consent of the said A. B. signified by his subscribing his name to this order, or by the consent of the inhabitants of the said parish of ——, signified in writing at a vestry or other public meeting, a copy whereof is here under written, that the said A. B. is [or *inhabitants are*] liable to repair part of the said new highway; and that if he [or *they*] shall on or before the —— day of —— pay to the surveyor of the highways of the said parish of —— [or, *if a turnpike road, to the treasurer of the said turnpike road*] the sum of £——,

he the said A. B. and his heirs [or *the said inhabitants and their successors*] shall be for ever acquitted and discharged from the burthen and obligation to repair the said new highway or any part thereof."]

Order for Statute Duty to be performed in kind.

—— to wit. At the general quarter sessions held at —— in the hundred of —— in the said county, the —— day of —— 1817, by J. C. and S. P. Esqrs. justices of the peace for the said county, acting within the said hundred.

It appearing to us, from the information which we have received, that there will be difficulty in procuring the necessary carriages or labourers for the repair of the highways within the parish of &c. within the said hundred, without paying high and extravagant prices for the same, We do hereby order and direct the team duty within the said parish (except such teams where the owners thereof do not occupy lands, tenements, woods, tythes or hereditaments within the said parish, of the annual value of £30.) or one half of the team duty &c. (or the labourers liable to perform statute duty within the said parish, *as the case shall be*) to perform statute duty in kind within the said parish, according to the directions of the act passed in the 13th year of the reign of His present Majesty King George the Third, "For the Amendment and Preservation of the Highways."

J. C.
S. P.

Presentment of a Justice of the Peace.

—— to wit. At the general quarter sessions of the peace of our Lord the King, held for the said county at —— in the said county, on —— the —— day of ——, in the 57th year of the reign of &c. before J. C. and S. P. Esquires, and others their companions, justices of our said Lord the King, assigned to keep the peace in the said county, and also to hear and determine divers felonies, trespasses and other misdemeanors in the said county committed, H. S. T. Clerk, one of the justices of our said Lord the King, assigned for the purposes aforesaid, by virtue of an act made in the 13th year of the reign of His Majesty King George the Third, "For the

Amendment and Preservation of the Highways," upon his own view [or *upon information upon oath to him given by A. B. surveyor of the highways for the parish of —— in the said county*], doth present that, from the time whereof the memory of man is not to the contrary, there was and yet is a certain common and ancient king's highway leading from the town of —— in the said county towards and unto —— within the same county, used for all the king's subjects, with their horses, coaches, carts and carriages to go, return and pass at their will; and that a certain part of the said king's common highway, commonly called ——, situate, lying and being in the parish of —— in the same county, containing in length —— yards, and in breadth —— feet, on the —— day of ——, in the 57th year of the reign of &c. and continually afterwards until the present day, was and yet is very ruinous, deep, broken and in great decay for want of due reparation and amendment, so that the subjects of the King through the same way with their horses, coaches, carts and carriages could not during the time aforesaid, nor yet can go, return or pass as they ought and were wont to do, to the great damage and common nuisance of all the King's subjects through the same highway going, returning or passing, and against the peace of our said Lord the King, and that the inhabitants of the parish of —— aforesaid in the county aforesaid, the said common highway so in decay ought to repair and amend when and so often as it shall be necessary. In testimony whereof we the said J. C. and S. P. to these presents have set our hands and seals, the —— day of —— aforesaid.

J. C.
S. P.

Affidavit that an Indicted Road is put in Repair.

The King on the Prosecution of A.B. *v.* the Inhabitants of ——,

C. D. of —— in the said county, and E. F. of —— in the said county, severally make oath and say, and first the deponent C. D. for himself saith, that the sum of £—— and upwards hath been laid out and expended in and about the repair of that part of the highway [*describe the situation and extent of the part repaired*] in the parish of —— in the county of ——, which said road [*or part of the said road*] was indicted at the last —— sessions of the peace held in and for the said county,

at the prosecution of A. B. of ——, and that this deponent viewed and surveyed the said highway on the —— day of —— last, and that the same is now in good and sufficient repair; and the deponent E. F. for himself saith that he did on the —— day of —— last personally serve A. B. the prosecutor above named with a true copy of the notice hereto annexed;— and this deponent E. F. further saith that the names J. C. and S. P. set and subscribed to the certificate hereto annexed, are respectively of the proper hands writing of J. C. and S. P. Esquires, two of His Majesty's justices of the peace in and for the county of ——, and that he the said E. F. did see J. C. and S. P. set and subscribe their names to the said certificate.

C. D.
E. F.

Sworn &c.

Notice of Motion, to be annexed.

Mr. A. B.

Take notice, That the inhabitants of the parish of —— in the county of ——, at the next general quarter sessions of the peace to be holden at —— in and for the said county, on —— the —— day of —— at —— o'clock on the same day, or so soon after as counsel can be heard, intend to move the said court to discharge the indictment you have preferred against them at the last sessions for [*state the fact as in the indictment*], on production of the usual certificate of two justices, and an affidavit that the said indicted road is now in good and sufficient repair. Dated this —— day of ——, 1817.

Your's &c.

W. T.
Defendants' Solicitor.

Justices' Certificate that an Indicted Road is in good Repair.

——to wit. We, two of His Majesty's justices of the peace, acting in and for the county of ——, having this day viewed and examined the state and condition of the road leading from —— to ——, which said road hath been indicted at the last general quarter sessions of the peace holden in and for the said county, do certify that the said road is well and

sufficiently repaired, and is in such a state that His Majesty's subjects, with carts, waggons, coaches and other carriages may pass and repass safely and without inconvenience.

Given under our hands and seals this —— day of ——, in the year of our Lord 1817.

J. C.
S. P.

Order for stopping up an old Highway and selling the Land.

—— to wit. We whose names are subscribed, being the justices of the peace who viewed the several highways described in the plans hereunto annexed, and made an order for diverting the old highway, being satisfied that the new highway therein described is properly made and fit for the reception of travellers, do hereby order the said old highway, being of the length of —— yards, and of the breadth of —— feet, upon a medium, as appears by the said plan, to be stopped up, and the land and soil thereof to be sold by the said surveyor to A. B. whose land adjoins thereto, if he shall be willing to purchase the same for the full value thereof; and if not, to some other person or persons, for the full value thereof, reserving, nevertheless, to —— a free passage for persons, horses, cattle and carriages through the land and soil of the said old highway, to and from the land belonging to him, called ——, according to his ancient usage thereof.

J. C.
S. P.

Certificate to be wrote under the above Order.

—— to wit. We the above-named justices, do certify that the old highway herein before mentioned and described, was sold by the said surveyor to —— with our approbation, for the sum of £——, which sum we do order the said —— to pay to the said surveyor, to be applied in purchasing the land and making the said new highway; and if any surplus remains, we do order that the same shall be applied for the use of the highways within the said parish of ——.

J. C.
S. P.

Receipt for the Purchase-money, to be indorsed upon, or wrote under, the Certificate above-mentioned.

—— to wit. Received the —— day of ——, 1817, from the said ——, the sum of £——, being the full consideration money for the purchase of the said old highway herein before described, pursuant to the said orders and certificate.

License from a Justice for a Surveyor to gather Stones upon inclosed Lands, for Repairs.

—— to wit. Whereas by an act made in the 13th year of the reign of His Majesty King George the Third, "For the Amendment and Preservation of the Highways," the surveyors are authorized to gather stones laying upon any lands or grounds within their liberty, for the use of the highways, but not without the consent of the occupiers of such lands, or a license from a justice of the peace for that purpose. And whereas it appears to me S. P. Esq. one of His Majesty's justices of the peace for the said county acting within the said hundred, upon the oath of the surveyor, that he hath applied to A. B. of &c. for his consent to gather stones from the lands called by the names of —— and —— in his occupation within the said ——, for the purposes aforesaid, and that the said stones are necessary for the repairs of the said highways, and that the said A. B. hath refused to permit the same to be gathered; and the said A. B. having been duly summoned, appeared before me to shew cause why such permission should not be granted [*if the fact be so*], and I having heard what has been alledged, and taken the said matter into consideration, am of opinion that the said stones are necessary, and ought to be gathered and carried away for the purposes aforesaid; Therefore I do hereby give my license to the said surveyor to take and carry away the same accordingly.

Given under my hand and seal &c.

Information against an Offender. (general).

—— to wit. Be it remembered, That on the —— day of ——, in the year of our Lord 1817, A. B. of —— in the said county, informeth and maketh oath before me, one of His Majesty's justices of the peace for the said county, that C. D. of —— in the said county, [*describe the offence particularly, following the words of the act,*] contrary to the statute made in the 13th year of the reign of His Majesty King George the Third, "For the Amendment and Preservation of the Highways," which hath imposed a forfeiture of —— for the said offence.

Taken and sworn the day and year aforesaid, before me,

S. P.

Summons to an Offender.

To the Constable of the —— of —— in the county of ——.

—— to wit. Whereas complaint and information have been made upon oath before me S. P. Esq. one of His Majesty's justices of the peace for the said county, by A. B. of &c. that [*set forth the nature of the complaint, and in describing it follow the words of the act.*]

These are therefore to command you forthwith to summon the said C. D. to appear before me or such other of His Majesty's justices of the peace for the said county as shall be present at their special sessions to be holden at —— in the said county, on —— the —— day of ——, at —— o'clock in the ——noon, then and there to answer to the said complaint and information made by the said A. B. who is likewise directed to be present to make good the same. Herein fail not.

Given under my hand and seal this —— day of ——, in the year of our Lord 1817.

Conviction of an Offender.

—— to wit. Be it remembered, That on the —— day of ——, in the year of our Lord 1817, at —— in the county aforesaid, A. B. came before me one of His Majesty's justices

of the peace for the said county, and informed me that C. D. of ——, on the —— day of —— now last past, at —— in the said county, did [*here state the offence*]. Whereupon the said C. D. after being duly summoned to answer the said charge, appeared before me on the —— day of —— last, at —— in the said county, and having heard the charge contained in the said information, declared that he was not guilty thereof; but the same being fully proved, upon the oath of E. F. a credible witness [or *did not appear before me in pursuance of the said summons, or did neglect and refuse to make any defence to the said charge, or acknowledged and voluntarily confessed the same to be true, as the case may be*], it manifestly appears to me the said justice, that the said C. D. is guilty of the offence charged upon him in the said information. It is therefore considered and adjudged by me the said justice that the said C. D. be convicted, and I do hereby convict him of the offence aforesaid; and I do hereby declare and adjudge that he hath forfeited the sum of —— of lawful money of Great Britain, for the offence aforesaid, to be distributed as the law directs, according to the form of the statute in that case made and provided.

Given under my hand and seal this —— day of ——, in the year of our Lord 1817.

S. P.

Warrant of Distress for a Forfeiture. (not to be issued till six Days after Order for Payment served on the Party.)

To the Constable of ——,

—— to wit. Whereas, C. D. of &c. in the said county, is duly convicted before me one of His Majesty's justices of the peace in and for the said county, upon the oath of E. F. a credible witness, for that the said C. D. hath [*describe the offence*], contrary to the statute in that case made and provided, by reason whereof he hath forfeited the sum of £——, to be distributed as herein is mentioned, which he hath refused to pay; These are therefore in His Majesty's name to command you to levy the said sum of £—— by distress of the goods and chattels of the said C. D. and if within the space of four days next after such distress by you taken, the said sum, to-

gether with the reasonable charges of taking and keeping the same, shall not be paid, that then you do sell the said goods and chattels so by you distrained, and out of the money arising by such sale that you do pay one half of the said sum to —— of ——, who informed me of the said offence, and the other half of the said sum to J. C. the surveyor of the highways for the —— of ——, where the said offence [*neglect*, or *default*] happened, to be employed towards the repair of the said highway, returning the overplus, upon demand, to the said C. D. the reasonable charges of taking, keeping and selling the said distress being first deducted. And if sufficient distress cannot be found of his goods and chattels whereon to levy the said sum of ——, that then you certify the same to me, together with this warrant.

Given under my hand and seal the —— day of ——, in the year of our Lord 1817.

S. P.

Constable's Return.

—— to wit. I G. H. constable of the within-named parish of ——, do hereby certify and make oath that by virtue of this warrant I have made diligent search for the goods of the within-named C. D. and that I can find no sufficient goods whereon to levy the within sum of £——.

As witness my hand this —— day of ——, 1817.

Sworn before me, the
day and year aforesaid,
S. P.

Order for the Payment of a Forfeiture.

—— to wit. Whereas C. D. of &c. is duly convicted before me, one of His Majesty's justices of the peace for the said county, for that he on the —— day of —— now last past, at —— in the said county, did [*state the offence as set forth in the information*], whereby he hath forfeited the sum of £——. I do therefore hereby order the said C. D. to pay to J. C. surveyor of the ——, the said sum of ——, to be by him disposed of as the law directs.

Given under my hand and seal the —— day of ——, in the year of our Lord 1817.

S. P.

Commitment for want of Distress.

To the Constable of ——, and also to the Keeper of —— in the county of ——.

—— to wit. Whereas C. D. of &c. in the said county, was on the —— day of ——, 1817, convicted before me, one of His Majesty's justices of the peace in and for the said county, upon the oath of E. F. a credible witness, for that he on the —— day of —— now last past, at —— in the said county, did [*state the offence*], contrary to the statute made in the 13th year of the reign of His Majesty King George the Third, "For the Amendment and Preservation of the Highways," by reason whereof the said C. D. hath forfeited the sum of £——.

And whereas on the —— day of —— in the year aforesaid, I did issue my warrant to the constable of ——, to levy the said sum by distress and sale of the goods and chattels of the said C. D. and to distribute the same according to the directions of the said statute; And whereas it duly appears to me, upon the oath of the said constable, that he hath used his best endeavours to levy the said sum on the goods and chattels of the said C. D. as aforesaid, but that no sufficient distress can be had whereon to levy the same; These are therefore to command you the said constable of ——, to apprehend the said C. D. and him safely convey to the common gaol [or *house of correction*], at —— in the said county, and there deliver him to the keeper thereof, together with this precept. And I do hereby also command you the said keeper, to receive and keep in your custody the said C. D. for the space of three months, unless the said sum shall be sooner paid, pursuant to the said conviction and warrant; and for so doing this shall be your sufficient warrant.

Given under my hand and seal this —— day of ——, in the year of our Lord 1817.

S. P.

Notice of Appeal against a Justice's Order or Conviction.

Mr. A. B.

Take notice, That I intend to appeal to the next general quarter sessions of the peace to be holden at —— in and for the county of ——, against a certain order [*or conviction, as the case may be, setting forth particularly the purport of such order or conviction, and assigning the cause of complaint.*] Dated the —— day of ——, 1817.

C. D.

Surveyor's Oath, on passing his Accounts.

I, A. B. do swear that the accounts now produced and delivered by me, as surveyor of the highways for the parish of ——, for the year now last past, are just and true to the best of my knowledge.

So help me God.

Justice's Allowance.

These [or *the foregoing*] accounts were examined and allowed by us, this —— day of ——, 1817, being first verified on the oath of A. B. surveyor.

J. C.
S. P.

Summons for travelling with a Waggon with more Horses than allowed, &c.

To A. B. and C. D. late of the parish of —— in the county of ——, carriers.

—— to wit. Whereas complaint and information hath been made upon oath before me J. C. Esq. one of His Majesty's justices of the peace for the said county, by E. F. of the parish of —— in the said county of ——, that you, being the owner of a certain waggon on the —— day of —— instant, which said waggon then having the sole or bottom of the fellies of the

wheels of the breadth or gauge of nine inches, did on the day last aforesaid pass and was drawn upon a certain turnpike road in the parish of —— in the county of —— aforesaid, with more than eight horses, that is to say with nine horses, contrary to the statute in such case made and provided. These are therefore to require you personally to appear before me at —— in the said county of ——, on the —— day of —— instant, at the hour of —— in the ——noon, to answer the said complaint and information made by the said E. F. who is likewise directed to be then and there present to make good the same. Herein fail not.

Given under my hand and seal the —— day of ——, 1817.

J. C.

Affidavit of service of Summons, and of the Facts stated in the Information.

—— to wit. A. B. of &c. in the county of ——, maketh oath and saith that he did on the —— day of —— instant, serve a summons, of which the within is a copy, on the within defendant, by delivering the same to him [or *his clerk*], at his office or place at ——. And this deponent further saith that he did, on the —— day of —— instant, see a waggon with the within defendant's name thereon, having the sole or bottom of the fellies of the wheels of the breadth or gauge of nine inches, travelling on the turnpike road in the parish of —— in the said county, which waggon was then drawn by nine horses. And this deponent further saith, that he heard the within informant on the said day give notice to the driver of the waggon that he should lodge a complaint against him and the owner for so doing.

A. B.

Sworn before me, the ——
day of ——, 1817.

J. C.

Summons to Owner, on Complaint against a Driver for riding on his Cart.

To C. D. of —— in the county of ——.

—— to wit. Whereas complaint and information hath been made upon oath before me S. P. Esq. one of His Majesty's justices of the peace for the said county, by A. B. of &c. that a certain person belonging to you and being in your employ, on the —— day of ——, 1817, in the parish of —— in the said county, did ride upon a certain carriage called a ——, belonging to you, then drawn by horses and passing on the public turnpike road in the said parish of ——, and which person then and there, in the said turnpike road, had the direction, care and management of such —— as the driver thereof: And that whilst he so had the direction, care and management of such ——, and while the same was passing on the said turnpike road, he then and there wilfully and illegally rode in and upon the said —— as aforesaid, so that he could not, nor did have the direction, care and management of the said horses then drawing the said ——, and that the situation of him the said driver whilst he so rode in and upon the said —— was such that he then and there could not nor did have the direction, care and management of the said horses so then and there drawing the said ——, contrary to the form of the statute made in the 13th year of the reign of King George the Third; These are therefore to require him and you and each of you personally to appear before me at —— in the said county of ——, on the —— day of ——, at the hour of —— in the ——noon, to answer to the said complaint and information made by the said A. B. who is likewise directed to be then and there present to make good the same. Herein fail not.

Given under my hand and seal this —— day of ——, in the year of our Lord 1817.

S. P.

Conviction of a Surveyor of the Highways for not delivering over his Books of Account to the Churchwardens and Overseers, by 13 Geo. III. c. 78, s. 48.

—— to wit. Be it remembered, That on the —— day of ——, in the year of our Lord 1817, at —— in the county of ——, A. B. came before me S. P. Esq. one of His Majesty's justices of the peace of the said county, and informed me that C. D. of the parish of —— in the county of ——, was surveyor of the highways within the said parish for the year ending at Michaelmas last past, and that afterwards, to wit on the —— day of —— now last past, at —— in the county aforesaid, a certain book of accounts of the said C. D. as such surveyor, and certain assessments for repairs of the said highways were settled and allowed by J. C. Esq. and the Rev. J. B. Doctor in Divinity, two of His Majesty's justices of the peace in and for the said county, pursuant to the statute in that case made and provided; and that afterwards, to wit from thenceforth to the time of exhibiting the said information and complaint, there were churchwardens and overseers of the poor duly appointed in and for the parish of —— aforesaid, and that the said C. D. during all the time last aforesaid neglected to transmit and deliver to such churchwardens and overseers, or any or either of them, the said book and assessments so settled and allowed as aforesaid, contrary to the form of the statute in such case made and provided: Whereupon the said C. D. after being duly summoned to answer the said charge, appeared before me on the —— day of ——, at —— in the said county, and having heard the charge contained in the said information, declared that he was not guilty of the said offence; but the same being fully proved upon the oaths of E. F. and G. H. two credible witnesses, it manifestly appears to me the said justice, that the said C. D. is guilty of the offence charged upon him by the said information; it is therefore considered and adjudged by me the said justice, that the said C. D. be convicted, and I do hereby convict him of the offence aforesaid. And I do hereby declare and adjudge that the said C. D. hath forfeited the sum of £5. of lawful money of Great Britain for the offence aforesaid, to be distributed as the law directs, acording to the form of the statute in that case made and provided.

Given under my hand and seal &c. S. P.

[If the party does not appear to the summons, then after the words "being duly summoned to answer the said charge," insert, "did not appear before me in pursuance of the said summons," *or*, if he appeared and refused to make defence, "did neglect and refuse to make any defence against the said charge," but the same being fully proved, &c. as before.]

[If he confesses the fact, say after the words "contained in the said information," "acknowledged and voluntarily confessed the same to be true, and" it manifestly appears to me the said justice, &c. as before.]

HOMICIDE.

Homicide is justifiable if it is occasioned by unavoidable necessity. 1 *Haw. c.* 28, *s.* 1.—It is called *misadventure*, if a man in doing a lawful act without intent hurts another, whereby death ensues. *Hales, Pl.* 31. Manslaughter is the killing a man in a sudden quarrel, or in the commission of an illegal act, without deliberate intention. 1 *Haw. c.* 30. *s.* 1. It is not bailable by justices.—Murder is the killing a person with malice prepense. 3 *Inst.* 47. Self-murder, or *felo de se*, is where a person of sound mind killeth himself. 3 *Inst.* 54.—Homicide, either in self-defence, or by misadventure, are not bailable offences. 1 *Haw.* 75, 76. Where an arrest is made by virtue of a justice's warrant, such warrant (if demanded) should be produced; for should homicide ensue, the legality of the warrant may materially affect the question. 8 *T. R.* 188.

HORSES.

Stealing horses in the night out of a stable, &c. is burglary; if in the day-time, it is larceny.—The owner of a stolen horse may re-claim him within six months before a justice, &c. on due proof; and at any time afterwards on paying the party what he gave for it. 2 and 3 *Phil. & Mary, c.* 7. 31 *Eliz. c.* 12.—Maliciously maiming horses in the night, subjects the party to forfeit treble damages, to be recovered before three justices, or by action.

By 26 *Geo. III. c.* 71, license for slaughtering horses, &c. not for meat, to be taken out at the sessions, and the name of the party and specification of the license, to be inscribed over the door. *s.* 1, 2.—Inspector to be appointed by vestry; if he has reason to suspect that any horse, &c. hath been stolen, he may prevent the slaughter for not exceeding eight days, and may advertise it twice, unless the owner sooner claims it. The expense of advertising to be paid by the occupier of the slaughter-house; if he refuses, and shall be convicted on the oath of the inspector before one justice, he shall forfeit double the amount thereof, to be levied by distress. *s.* 3, 5. Inspector may search slaughter-houses. *s.* 6.

Persons bringing for sale cattle to be slaughtered, and refusing to give a satisfactory account of themselves, may be carried before a justice, who

may commit such persons, for not exceeding six days, for further examination; or if he hath reason to believe the horse, &c. hath been stolen may commit such person to gaol or house of correction for six days, for further examination; and if upon such further examination such justice hath reason to suspect such horse hath been stolen or unlawfully obtained, he may commit such person to the common gaol or house of correction to be dealt with according to law. *s.* 7. Every licensed person to keep an account in writing of the name, &c. of owners of horses brought to be slaughtered; making false entries subjects the party to a penalty of not less than £10. nor more than £20. on conviction on oath of two witnesses, before one justice, to be recovered by distress; and in default, commitment to the house of correction for not exceeding three nor less than one month, half the penalty to the informer and half to the poor. *s.* 4, 10.

Unlicensed persons lending houses, barns, stables, &c. for the purpose of slaughtering, shall on conviction before one justice on oath of two witnesses, forfeit the like penalty. *s.* 13.

Persons destroying hides are punishable for a misdemeanor, curriers and dealers in hides excepted. *s.* 9. Witnesses summoned and refusing to give evidence, to forfeit £10. and in default of payment, to be committed for not more than three nor less than one month. *s.* 16.—Inhabitants are competent witnesses. *s.* 17.

Warrant to apprehend a Horse Stealer.

To the Constable of ——.

—— to wit. Forasmuch as A. B. of —— in the county of ——, yeoman, hath this day made information and complaint upon oath, before me S. P. Esq. one of His Majesty's justices of the peace for the said county, that yesterday, in the night, a bay mare, the property of him the said A. B. was feloniously stolen, taken and carried away from and out of the grounds of him the said A. B. at —— aforesaid, and that he hath just cause to suspect and doth suspect that C. D. late of ——, labourer, did feloniously steal, take and carry away the said mare: These are, therefore, to command you forthwith to apprehend him the said C. D. and bring him before me to answer to the said information and complaint, and to be further dealt with according to law. Herein fail you not.

Given under my hand and seal, the —— day of ——, in the year of our Lord 1817.

S. P.

Warrant for burglariously stealing a Horse.

To the Constable of ——.

—— to wit. Forasmuch as A. B. of —— in the county of ——, yeoman, hath this day made information and complaint upon oath, before me S. P. Esq. one of His Majesty's justices of the peace for the said county, that yesterday, in the night, the stable of him the said A. B. at —— aforesaid, was feloniously and burglariously broken open, and one brown mare, the property of him the said A. B. feloniously and burglariously stolen, taken and carried away from thence; and that he hath just cause to suspect and doth suspect that C. D. late of —— in the county aforesaid, [*labourer*] the said felony and burglary did commit. These are, therefore, to command you forthwith to apprehend him the said C. D. and bring him before me to answer to the said information and complaint, and to be further dealt with according to law. Herein fail not.

Given under my hand and seal the —— day of ——, in the year of our Lord 1817.

S. P.

Conviction of Slaughterman, for not paying the Expenses of advertising Cattle supposed to be Stolen.

—— to wit. A. B. is convicted on the oath of E. F. inspector of houses and places for slaughtering horses for the parish of —— in the county of ——, of refusing to pay the sum of ——, being the expense of an advertisement inserted in the Daily Advertiser [or *some other public newspaper*], circulated in the county of —— [*as the case may be*], pursuant to the directions of the statute in that case made and provided.

Given &c.

Conviction for making a false Entry.

—— to wit. Be it remembered, That on this —— day of ——, in the year 1817, C. D. licensed for slaughtering horses, is convicted upon the oath of two credible witnesses, before me S. P. Esq. one of His Majesty's justices of the peace for the county of ——, of having wilfully made [or *caused to be made*] a false entry in the book required by the statute in that case made and provided, to be kept by the said C. D. whereby he hath forfeited the sum of ——.

Given &c.

The like for lending a Slaughtering-house.

—— to wit. Be it remembered, That on this —— day of ——, 1817, C. D. was convicted upon the oaths of two credible witnesses, before me S. P. Esq. one of His Majesty's justices of the peace for the county of ——, for occasionally lending a house [or *place*] for the purpose of slaughtering horses or cattle for other purposes than for butcher's meat, without a license for that purpose first obtained, according to the statute in that case made and provided.

Given &c.

HORSE RACES.

No person to enter and start more than one horse for one and the same prize, on pain of forfeiture of the horse or its value. 13 *Geo. II. c.* 19.

No plate, prize or sum to be run for or advertised to be run for, unless the same be of the value of £50. or upwards; and any person entering, starting or running any horse for any such plate, &c. under such value, or who shall make, print, advertise or publish an advertisement or notice of such prize, such person shall forfeit £200. and the maker, printer, publisher, advertiser or proclaimer of such advertisement to forfeit £100. No match to be for less than £50. under penalty of £200. unless at *Newmarket* or *Black Hambleton;* and a match for £25. a side is a match for £50. 4 *Burr.* 2432. Penalties to be recovered by action, half to the party suing and half to the poor of the parish where offence committed.

By 24 *Geo. III. c.* 31, for every horse entered to run for a plate, money, &c. shall be paid a duty of £2. 2s. to the clerk of the course, as the duty of one year, under penalty of £20. *s.* 1, 5. Clerk to pay said duty within fourteen days to stamp distributor, on pain of £100. and double the money due at the time of default, the distributor to allow him 1s. in the pound on all monies accounted for. *s.* 6, 7.

Penalties may be mitigated not exceeding one half, with costs, and may be recovered before one justice, by distress; in default, commitment for three months, unless the penalty is sooner paid, half to the King and half to the informer. Appeal allowed to the sessions, whose determination is final. *s.* 19, 20, 21.

HOSPITALS.

By 13 *Geo. III. c.* 82, all lying-in hospitals to be licensed by the justices of the peace at their general quarter sessions; such license to be signed by two justices, which shall entitle the person licensed to keep one hospital, house or place, but no more, for the reception of pregnant women. *s.* 1, 2.

The keeper or manager shall, previous to the admission of a patient, (unless prevented by sickness) take her before some justice, who is to examine her on oath whether she is married or single, and if so prevented, then after her recovery; such examination to be entered in a book and signed by the justice, *s.* 10. but such woman producing an affidavit duly sworn, shall not go before any other justice for further examination. *s.* 11. A bastard born in such hospital to be settled at the mother's settlement, if known. *s.* 5.

The owners of such hospital to give notice in writing to overseers of the parish wherein such hospital is situate, four days before the discharge of any woman who has been delivered of a bastard in

such hospital, which overseers shall convey the woman to a justice to be examined as to her settlement. *s.* 12.

If it is necessary to remove the mother of the bastard and the child from the parish in which such hospital is situate, to her own parish, such parish (being within 20 miles of such hospital), shall be chargeable with the expenses of the removal, to be settled by any justice; and if not paid within two days after demand made, then one justice, acting in and for the county in which such parish is situated, may by warrant levy the same by distress and sale of the goods and chattels of the churchwardens and overseers so refusing. *s.* 6.

Appeal allowed to the quarter sessions within four months, on giving 14 days notice in writing, and within two days after such notice entering into recognizances with two sureties to try such appeal and abide the order of the quarter sessions, whose decision shall be conclusive. *s.* 7.

Owner, keeper, &c. refusing or neglecting to comply with the provisions of this act, to forfeit £50. and parish officers £10. to be recovered, with costs, by suit at law. *s.* 16.

HOUSE OF CORRECTION.

By *22 Geo. III. c.* 64, the want of houses of correction, or the insufficiency thereof, may be presented by a justice on his own view, *s.* 6. and

justices at their quarter sessions may appoint one or more justices within their respective districts as visitors and inspectors; who shall report to the next quarter sessions the state and condition, &c. thereof, and such sessions may make such order therein as they shall think fit. 24 *Geo. III. Sess.* 2, *c.* 55, *s.* 1. and by 31 *Geo. III. c.* 46, justices at quarter sessions may appoint governors and other officers, and may make rules and orders for the regulation of the said houses.

No governor or other person shall sell wine, ale, &c. in the house, under penalty of £10. to be recovered by distress, or commitment for not less than one nor more than six calendar months. *s.* 13.

By 55 *Geo. III. c.* 48, the provisions of 13 *Geo. III. c.* 58, for providing clergymen to officiate in gaols, shall be applicable to houses of correction; but the salary to be assigned to such clergymen not to exceed £50. a year. See "*Gaols*."

HUE AND CRY.

Hue and cry is the pursuit of an offender from town to town, until he is apprehended; it may be levied by a private person who knows of a felony being committed. 2 *Inst.* 172, and though it is not always convenient, nor absolutely necessary in any case, yet to prevent a causeless hue and cry, it would be prudent, if circumstances permitted, to procure a justice's warrant for the purpose; and

it is incumbent on constables to pursue hue and cry.

By 8 *Geo. III. c.* 16, every constable or other peace officer to whom notice shall be given within the precinct where a robbery is committed, shall make hue and cry after the felon, under penalty of £5. one half to the King and the other to the party who shall sue within six months. *s.* 11, 12.

No person shall maintain an action against the hundred, unless he shall besides the notice required by 27 *Eliz. c.* 13, with as much convenient speed as may be after the robbery committed, give notice thereof to some one of the constables of the place, &c. wherein such robbery was committed, or leave notice in writing at the dwelling house of such constable, with a description of the felons, of the goods, and the time and place of the robbery; and within 20 days cause a like descriptive notice to be inserted in the London Gazette.

No person robbed shall bring his action againt the hundred, unless he within 20 days before such action make oath before a justice of the peace whether he knows the parties committing the robbery, and if he does, then entering into a recognizance to prosecute. *s.* 11. suit to be commenced within one year after robbery committed. 27 *Eliz. c.* 13, *s.* 9. Persons inhabiting within the hundred are competent witnesses for the hundred. 8 *Geo. III. c.* 16. No hundred shall be chargeable if one of the felons be apprehended within 40 days next

after notice in the Gazette. *s.* 3. but the hundred must plead the matter specially, and not give it in evidence under the general issue. *Bull. Ni. Pri.* 187.

Persons apprehending felons within the time limited, on proof on oath before two justices, shall be entitled to £10. reward, to be raised by taxation on the hundred. *s.* 9.

Inhabitants to be assessed to an equal contribution by two justices, to be recovered by distress. 27 *Eliz. c.* 13, *s.* 5. and costs to be included in such assessment.

No damages exceeding £200. to be recovered against the hundred, unless the persons robbed shall at the time of such robbery be in company, two of whom at least shall attest the truth of such robbery. 22 *Geo. II. c.* 24.

Warrant to levy Hue and Cry on a Robbery being committed.

To all Constables and other Officers, as well in the said county of —— as elsewhere, to whom the execution hereof doth or shall belong.

—— to wit. Whereas A. B. of —— in the county of ——, yeoman, hath this day made information upon oath, before me S. P. Esq. one of His Majesty's justices of the peace in and for the said county of ——, that on this present —— day of ——, in the 57th year of the reign of &c. between the hours of three and four in the afternoon of the same day, at a place called —— in the said county of ——, in the King's highway there, two malefactors and felons, to him the said A. B. unknown, in and upon him the said A. B. then and there, being in the peace of God and of our Lord the King, feloniously did make an assault, and him the said A. B. then and there feloni-

ously did put in great fear and danger of his life, and the sum of —— of lawful money of Great Britain, of the goods and chattels of him the said A. B. from the person and against the will of him the said A. B. then and there violently and feloniously did steal, take and carry away; and that one of the said malefactors and felons, to him the said A. B. unknown, is a tall, strong man, and seemeth to be about the age of —— years, is pitted in the face with the small pox, hath the scar of a wound under his left eye, had then on a dark brown riding coat &c. and did ride upon a bay gelding with a star on his forehead; and the other &c. [or *as the fact may be*]. And that after the said felony and robbery was committed, they the said malefactors and felons, to him the said A. B. unknown, did fly and withdraw themselves to places unknown, and are not yet apprehended; these are, therefore, to command you forthwith to raise the power of the towns within your several precincts, and to make diligent search therein for the persons above described, and to make fresh pursuit and hue and cry after them, from town to town and from county to county, as well by horsemen as by footmen, and to give due notice thereof in writing, describing in such notice the persons and the offence aforesaid, unto every next constable on every side, until they shall come to the sea-shore, or until the said malefactors and felons shall be apprehended; and all persons whom you or any of you shall, as well upon such search and pursuit as otherwise, apprehend or cause to be apprehended as justly suspected for having committed the said robbery and felony, that you do carry forthwith before some one of His said Majesty's justices of the peace in and for the county where he or they shall be so apprehended, to be by such justice examined and dealt withal according to law; and hereof fail you not respectively, upon the peril that shall ensue thereon.

Given under my hand and seal at &c.

Notice to the Constable of a Robbery committed, and to be inserted in the Gazette.

Notice is hereby given (pursuant to an act of parliament made in the 8th year of the reign of His Majesty King George the Second, intituled "An Act for the Amendment of the Law relating to Actions on the Statute of Hue and

Cry"), That A. B. of —— in the county of ——, on the —— day of —— now last past, between the hours of —— and —— in the ——noon of the same day, was stopped and robbed by —— persons in the public highway between —— and —— in the county of ——, one of them being &c. and the other &c. [*describe the figure, colour, clothes, &c. of the parties and their horses*], which persons took from the person of the said A. B. —— guineas in gold, —— shillings in silver, and a silver watch [*as the case may be*].

Examination of a Person robbed, before Action brought.

—— to wit. The examination of A. B. of ——, gent. taken on oath before me S. P. Esq. one of His Majesty's justices of the peace in and for the said county, dwelling in [or *near to*] the hundred of —— within the said county, the —— day of ——, in the 57th year of the reign of &c. who saith, That on —— the —— day of —— instant, between the hours of —— and —— in the ——noon of the same day, at or near to ——, he was assaulted in the highway leading from —— to —— by two men on horseback, one being [*describe their persons &c.*] and that he the said A. B. was by them robbed of —— &c. and that he the said A. B. did not then know nor doth now know either of the persons who committed the said robbery, and that the said highway in which he was robbed is in the parish of —— within the hundred of —— in the said county of ——.

Taken and signed the day
and year above written.

Affidavit of an Applicant for the Reward of £10.

—— to wit. Be it remembered, That this —— day of ——, in the year of our Lord 1817, at —— in the hundred of —— in the said county, one C. D. of ——, in his proper person cometh before us J. C. and S. P. Esquires, two of His Majesty's justices &c. and on his corporal oath before us the said justices, to the said C. D. now here administered, maketh proof before us the said justices that he the said C. D. did this day apprehend and secure one E. F. charged on the hue and cry, and also on the examination on oath of G. H. gent. taken in writing the —— day of ——, before J. C. one of us the

undersigned justices, for that he the said E. F. on the —— day of —— now last past, at the parish of —— within the hundred of —— in the said county, in the King's highway there, about the hour of —— in the ——noon of the same day, in and upon the said G. H. feloniously did make an assault, and him the said G. H. in bodily fear and danger of his life feloniously did put, and one gold watch &c. [*describe the articles stolen*], of the goods and chattels of the said G. H. from the person and against the will of the said G. H. in the highway aforesaid within the said hundred of ——, then and there feloniously and violently did steal, take and carry away, as by the said examination in writing will more fully appear. And the said C. D. further maketh proof before us the said justices, that the said G. H. on the —— day of —— now last past, did duly cause an advertisement of the said highway robbery to appear in the London Gazette, published on the said last mentioned day, and that the said G. H. hath, as this informant verily believes, duly complied with all the requisites of the several statutes in this behalf made and provided, legally to entitle him to bring and maintain his action at law against the said hundred of ——, to recover damages for the said highway robbery; and the said C. D. further maketh it appear to the satisfaction of us the said justices, that by the said apprehension of the said felon by him the said C. D. within 40 days next after the insertion of such advertisement of the said highway robbery as aforesaid in the London Gazette, the said hundred of —— hath become actually indemnified from any action at law, at the suit of the said G. H. for or on account of the said highway robbery, whereby the said C. D. is become intitled to a reward of £10 from the said hundred, and therefore prays the order of us the said justices for the said reward, and for a rate or assessment to be made on the inhabitants of the hundred of —— in the said county of ——, to levy and collect the said sum of £10 on the said inhabitants of the said hundred of ——, for the use of him the said C. D. for such reward as aforesaid, according to the form of the statute in that behalf made and provided.

C. D.

Exhibited on oath before us
this —— day of ——, 1817.

J. C.
S. P.

Order for £10. Reward for apprehending a Felon.

—— to wit. Whereas [*recite the affidavit as in the last precedent*], now we the said justices upon due proof and consideration had of the premises, in pursuance of the statute in that case made and provided, do hereby order the said reward of £10. to be paid to the said C. D. by the inhabitants of the said hundred of ——, and for the purpose of levying and collecting the said sum of £10. we do hereby make the rate and assessment hereto annexed upon the several parishes and townships within the said hundred. And we do hereby order the high constable of the said hundred forthwith to give notice of this our order, and of the assessment hereunto annexed, to all petty constables of all parishes and townships within the said hundred, and to collect from the said petty constables the several sums in the annexed rate respectively assessed on and set opposite to the names of the said several parishes and townships within twenty days from the date hereof, and to pay over the several sums so levied and collected within ten days next after the same shall be so levied and collected, into the hands of us the said justices or into the hands of one of us, for the use of the said C. D. and you the said petty constables are ordered within your respective parishes and townships, immediately on notice of this our order, to make an equal rate respectively on the inhabitants of each of your several parishes and townships, to levy and collect the several sums by us the said justices assessed on them and set opposite to the several names of the said parishes and townships respectively in the rate hereunto annexed; and that you levy, collect and pay the said several sums so respectively to be levied and collected into the hands of the high constable of the hundred of ——, within such time as the said high constable shall for that purpose appoint, not exceeding the space of fourteen days from the date hereof.

Given under our hands and seals &c.

Form of the Assessment.

Hundred of —— in the county of ——.

An assessment made by us, two of His Majesty's justices of the peace in and for the county of —— acting in and for the hundred of —— in the said county, this —— day of ——, in the year of our Lord 1817, on the several parishes and townships within the said hundred of ——, to collect the sum of £10. for the purposes in the order hereunto annexed mentioned.

	£.	s.	d.
The Township of A.....	1	10	0
The Parish of B.....	0	15	0
The Parish of &c. &c.			

Made and allowed by us this —— day of ——, 1817.

J. C.
S. P.

IDEOTS. See "*Lunatics.*"

INCLOSURES.

By 41 *Geo. III.* c. 109, *s.* 1, no person shall act as a commissioner in any act for dividing, allotting, or inclosing lands, except signing notice of the first meeting, until he shall have taken the oath required by this act, which oath any one of the commissioners or a justice may administer.

Commissioners before making any allotments shall set out and appoint public carriage roads and highways through and over the grounds intended to be divided; such roads to be 30 feet wide at the least; and any person aggrieved by the setting out such roads, the commissioners, with one justice of the peace, shall determine the matter; but if the commissioners be empowered to stop up any old

road, it shall not be done without the order of two justices, which order shall be subject to appeal at the quarter sessions. *s.* 8.

Carriage roads to be fenced on both sides by such of the land owners as the commissioners shall direct; and no person to erect any gate across any road, or plant any tree on the sides of such road, at a less distance than 50 yards from each other.

The commissioners to appoint surveyors, and if with a salary, such salary and the expense of making the road, over and beyond the statute duty, shall be raised as other expenses, and paid on or before the execution of the award of such commissioners.

Surveyors of new roads appointed under this act to be under the control of justices, and shall account to them for monies received and expended; such justices may levy rates as if such surveyors had been appointed under the Highway Act of 13 *Geo. III.* and surveyors neglecting to complete and repair the roads within two years after the award of the commissioners, incur a penalty of £20. *s.* 19.—Persons destroying or damaging fences, stiles, &c. put up under the authority of this act, to forfeit £5. on proof by oath of one or more witnesses, *s.* 28.

Commissioners may summon witnesses to appear to testify the truth respecting any dispute between any proprietor or other interested person; and such person not appearing, or not assigning reasonable

excuse, or appearing and refusing to be examined, shall, on conviction by one justice of the division, forfeit not exceeding £10. nor less than £5. *s.* 33.

Commissioners to keep an account of receipts and disbursements, under a penalty of not more than £10. nor less than £5. and the like penalty for refusing the inspection thereof to any proprietor. *s.* 36.

All penalties and forfeitures to be recovered before one justice, (not interested), by distress and sale, to be applied as commissioners shall award in writing. *s.* 39. and two justices may swear affidavits of notices required to be given without stamps. *s.* 42.

INDICTMENT.

Indictment is a complaint exhibited for some offence criminal or penal, and preferred to a grand jury, upon whose oath it is found to be true. *Terms de ley.* It is at the suit of the King, and the party prosecuting is a competent witness to prove the facts. An indictment will not lie where another remedy is provided by statute. *Cro. Jac.* 643. All indictments must set forth the christian, surname and addition of the offender, in order to identify his person; the time and place must be ascertained, by naming the day and township or parish in which the fact was committed; the offence must be described with clearness and cer-

tainty, and the legal description of such offence distinctly set forth, as felony, burglary, &c. and finally, the value of the thing which is the subject of the offence must sometimes be expressed, particularly in indictments for larceny, that it may appear whether it is grand or petit-larceny, or whether the offence is entitled to benefit of clergy or not.

Where a statute prohibits the doing of a thing, the doing it wilfully is indictable, although without a corrupt motive. 4 *T. R.* 457.

Where two sets of magistrates have a concurrent jurisdiction, and one appoints a meeting to grant ale licenses, their jurisdiction attaches so as to exclude the other appointing a subsequent meeting, though they may all meet together the first day; and if after such appointment the other set of magistrates meet on a subsequent day and grant other licenses, their proceedings are illegal and the subject of an indictment. 4 *T. R.* 451.

It is an indictable offence to say of a justice of the peace in the execution of his office that he is a fool and a liar. *Stra.* 420. and for such words spoken in his presence, he may commit the offender; but if behind his back, the party may be indicted for a breach of the peace. *Ibid.* If a statute makes an offence which was only a misdemeanor, a felony, an indictment will not lie for it as a misdemeanor.

Disobeying a justice's order is an offence at common law, and indictable; and notwithstanding a summary mode of recovering penalties before jus-

tices is given by statute, the prosecutor may elect to proceed either way. *Comp.* 648. such indictment must find positively that such order was made, and not by way of recital. 2 *Ld. Ray.* 1363: but an indictment on a justice's conviction need not set forth the conviction at large. *Ibid.* 1196.

Mixing alum with bread in such a manner that round lumps of it are found in the loaves, is an indictable offence. 3 *Mau and Sel. Rep.* 11.

In an indictment against a public officer for breach of duty, it is sufficient to state generally that he is such officer, without shewing his appointment. 5 *T. R.* 607.

A defective indictment will not be quashed on the motion of the prosecutor, after plea pleaded, before another good indictment is found. 2 *E. Rep.* 226.

Averments which are immaterial and not connected with the charge in the indictment, need not be proved. 5 *T. R.* 436.

In an indictment for non-payment of wages ordered by justices, it must appear that they had the power to make such order. *Stra.* 7.

An indictment consisting of two counts, one for a riot and the other for an assault, the first not found, and the other "*Bilta vera*," is good. *Comp.* 325. but two bills of indictment for the same offence, one for felony and the other for a misdemeanor, ought not to be preferred or found at the same time. *Leach*, 608. because both might be

found true bills, which could not be done with propriety.

A prisoner acquitted on an indictment has a right to a copy of the record of his acquittal. *Leach*, 32.

Recognizance with Sureties to prefer a Bill of Indictment.

—— to wit. Be it remembered, That on the —— day of ——, in the 57th year of the reign of our sovereign Lord Geo. III. by the grace of God of the United Kingdom of Great Britain and Ireland King, defender of the faith, &c. A. B. of —— in the said county of ——, mason, and C. D. of —— in the said county, yeoman, and E. F. of —— in the said county, smith, personally came before me S. P. Esq. one of the justices of our said Lord the King, assigned to keep the peace in and for the said county, and severally acknowledged themselves to owe to our said Lord the King, that is to say, the said A. B. the sum of £——, and the said C. D. and E. F. each the sum of £—— separately, of good and lawful money of Great Britain, to be made and levied of their goods and chattels, lands and tenements respectively, to the use of our said Lord the King, his heirs and successors, if the said A. B. shall make default in the condition hereunder written [or *hereon indorsed, as the case is*].

Acknowledged the day and year
above written, before me,
S. P.

The Condition of the above [or *within*] written recognizance is such, that if the above bound A. B. do and shall personally appear at the next general quarter sessions of the peace to be holden at —— in and for the said county, and then and there prefer a bill of indictment against G. H. late of ——, yeoman, for feloniously taking and carrying away ——, the property of ——, and shall then and there give evidence concerning the same to the jurors who shall inquire thereof on the part of our said Lord the King, and in case the same be found a true bill then if the said A. B. shall personally appear before the jurors who shall pass upon the trial of the said G. H. and give evidence upon the said indictment, and not depart without leave of the court, then the said recognizance to be void, or otherwise remain in full force.

Recognizance without Sureties to answer to an Indictment.

—— to wit. Be it remembered, That on the —— day of ——, in the 57th year of the reign of our sovereign Lord George III. by the grace of God of the United Kingdom of Great Britain and Ireland King, defender of the faith, A. B. of —— in the said county of ——, labourer, personally came before me S. P. Esq. one of the justices of our said Lord the King, assigned to keep the peace in and for the said county, and acknowledged himself to owe to our said Lord the King £—— of good and lawful money of Great Britain, to be made and levied of his goods and chattels, lands and tenements, to the use of our said Lord the King, his heirs and successors, if he the said A. B. shall make default in the condition hereunder written [or *hereon indorsed*].

Acknowledged the day and year above written, before me,

S. P.

The Condition of the above [or *within*] written recognizance is such, that if the above bound A. B. do and shall personally appear at the next general quarter sessions of the peace to be holden &c. then and there to answer to an indictment to be found against him by C. D. of ——, labourer, for assaulting and beating him the said C. D. and not depart without leave of the court, then the above recognizance to be void, or otherwise to remain in full force.

Notice of pleading Guilty to an Indictment at the Quarter Sessions.

The King *v.* A. B.

Mr. C. D.

Take notice that I shall appear at the next general quarter sessions of the peace, to be holden at —— in and for the said county, on —— the —— day of —— next, at the hour of —— in the forenoon of the same day, and shall then and there plead guilty to and confess the indictment you have preferred against me for an assault. Dated this —— day of ——, 1817.

Your's &c.

A. B.

Notice of Trial of Traverse at the Sessions.

The King on the Prosecution of A. B. *v.* C. D.

Mr. A. B.

Take notice that I intend to appear at the next general quarter sessions of the peace, to be holden at —— in the county of ——, on —— the —— day of —— instant, at —— o'clock in the forenoon of the same day, and shall then and there enter and try my traverse upon the indictment you have preferred against me for assaulting you. Dated &c.

Your's &c.

C. D.

Notice from a Prisoner, in custody for an Assault for want of Bail, to the Prosecutor, of Defendant's intention to plead Not Guilty to the Bill of Indictment to be preferred against him, and to enter and try his Traverse the same Sessions.

Mr. A. B.

Take notice that if the bill of indictment you are bound by recognizance to prefer against me for an assault on you, at the next general quarter sessions of the peace, to be holden at —— in and for the said county, shall be found a true bill, then I intend to plead "*Not Guilty*" to the same, at the same sessions, and thereupon to enter and try my traverse to the said indictment immediately at the said sessions.

Dated, &c.

Your's &c.

Countermand of Notice of Trial of an Indictment for want of a material Witness.

The King on the Prosecution of A. B. *v.* C. D.

Take notice that I do hereby countermand the notice of trial of the above indictment, dated the —— day of —— instant, and that I shall on —— the —— day of this instant, at the sessions house at —— in and for the county

of ——, move the said court of quarter sessions that the trial of the above indictment may stand over till the next following general [or *general quarter*] sessions of the peace, and that the recognizance by me and my sureties entered into for the trying of the traverse on the above indictment at the ensuing sessions may be in the mean time respited, and the ground upon which this application to the court will be made is upon an affidavit that I have not been able to serve or cause to be served with a subpœna, one E. F. a material witness on my behalf, without whose testimony I am advised I cannot safely proceed to trial, but whose attendance I have reasonable expectation I shall be able to procure by the next following sessions, of all which matters you have hereby notice, that you may come prepared to oppose the said application if you think fit. Dated &c.

Your's &c.

C. D. the above named defendant.

To Mr. A. B.
the prosecutor.

INFORMATION.

An information in its confined sense is a complaint exhibited before one or more justices of the peace upon oath or otherwise, which the defendant is summoned to answer, or upon which a warrant issues to apprehend him; in its more enlarged and comprehensive sense it is an accusation or complaint exhibited against a person for some criminal offence either against the King or a private person, which from its enormity the public good requires to be immediately restrained; and it differs only from an indictment in this particular, that the latter is an accusation found on the oaths of twelve men, whereas an information is only an allegation of the officer who exhibits it.

Informations at the suit of the King are filed by the Attorney-General, *ex officio*, and these are properly the King's own suits; in those at the relation of private persons he is only the nominal prosecutor, and such informations must be tried by a petit jury of the county where the offence arises.

No information (except *ex officio* by the Attorney-General) to be filed without a rule on the persons complained of, to shew cause to the contrary, which rule is never granted without motion made in open court, and the facts substantiated by affidavit.

Compounding informations on penal statutes is an offence punishable by 18 *Eliz.* c. 5, which enacts that any person informing under pretence of any penal law, who shall make any composition without leave of the court, or take any money or promise from the defendant to excuse him, he shall forfeit £10. and shall stand two hours in the pillory, and be disabled in future to sue on any popular or penal statute. 2 *Hen. P. C.* c. 26.

Whenever a statute requires an information taken by a magistrate, to be in writing, that direction must be complied with, but otherwise it is not absolutely necessary, nor is it required to be on oath unless the statute enjoins it; but in general it is advisable that the information be taken in writing and upon oath. As the information is the foundation of all the subsequent proceedings, it must set forth the day and year on which it was taken,

and place where; the name and style of the justice or justices before whom taken; and finally, the *charge* distinctly, and the time when offence committed, if it can be ascertained. If there are several offenders each must be named. 8 *T. R.* 508.

As the information forms a complete foundation for the subsequent judgment, no evidence can be received to extend or supply a defective charge, as the defendant can only be convicted of the charge in the information. *Doug.* 232. therefore the want of regular allegations in an information cannot be supplied by evidence. In informations before justices on any penal statute, the defendant need not appear in person, but may entrust his defence to another. 1 *Str.* 45.

Information must contain the charge direct, as specified in the act of parliament, and not merely facts amounting only to a presumption of guilt. 10 *Mod.* 155. but an information taken before magistrates, need not be more particular than an information filed in the Court of King's Bench. *T. R.* 356. Where justices of the peace act uprightly, though they mistake the law, the court will not grant an information against them. 1 *T. R.* 653. but the party will be left to the ordinary remedy by indictment or action; nor for an improper conviction, unless the party complaining make an exculpatory affidavit denying the charge. 3 *T. R.* 388.

Information will be granted against a justice as well for granting as for refusing an ale license im-

properly. 1 *T. R.* 692. and for convicting a person without a previous summons. *Stra.* 677.

The court will refuse a criminal information against a justice for returning to a writ of *certiorari* a conviction of a party in another and more formal shape than that in which it was first drawn up, if the conviction returned is warranted by the facts, though the party had a copy of the orignal conviction given him by the justice's clerk. 1 *E. R.* 186.

A criminal information may be moved for against magistrates for misconduct in their office in the second term after offence committed, there being no assizes intervening. 13 *E. R.* 270. but the application must be made sufficiently early in the second term to give the defendants an opportunity of shewing cause against it the same term, 13 *E.* 322. and the court will grant a rule *nisi* for a criminal information at the end of the term against a justice for mal-practices *during the term*, but not for misconduct before the term. 7 *T. R.* 80.

Information (general) before two Justices.

The Information and Complaint of A. B. of —— in the county of ——, gent. taken on oath before us J. C. and S. P. Esqrs. two of His Majesty's Justices of the Peace acting in and for the county of ——, at —— in the county aforesaid, this —— day of ——, 1817.

Who in his own proper person, as well for our Lord the King as himself, exhibiteth to us the aforesaid justices, both of us residing near the place where the offence hereafter mentioned was committed, his information and complaint,

and thereby informeth us that on the —— day of —— now last past, at —— in the county aforesaid, one C. D. of ——, yeoman, did [*state the offence distinctly, and if under a penal statute in the words of the statute*], contrary to the form of the statute in that case made and provided, whereby he hath forfeited the sum of £——, and thereupon the said A. B. who as well for his said Majesty as himself doth prosecute, humbly prays the judgment of us the said justices in the premises, and that he may have one moiety [*if the act so direct*] of the said forfeiture, according to the form of the statute in that case made and provided, and that the said C. D. may be summoned to answer the premises, and to make his defence to the said complaint before us the said justices.

A. B.

Exhibited before us the
day and year aforesaid,
J. C.
S. P.

The various other forms of Informations are inserted under the titles of the offences to which they are applicable.

IRON AND STEEL.

No tools or utensils for manufacturing iron or steel to be exported, (except to Ireland), under penalty of forfeiture of the articles, which may be seized by custom-house officer, and a justice may by warrant apprehend offender; and if he cannot give a satisfactory account of the use to which the tools are to be appropriated, he may bind such person to the quarter sessions, and for want of sureties may commit until the next assizes or sessions. 25 *Geo. III. c.* 67, *s.* 1. but by 26 *Geo. III. c.* 89, utensils for manufacturing iron and steel may be

exported, with the exception of those enumerated in this act, which was originally intended as a temporary act, but made perpetual by 35 *Geo. III. c.* 84, *s.* 4.

JURORS.

The justices at their Midsummer sessions shall issue their warrants under the hands and seals of two or more of them to the high constables, requiring them to issue precepts to petty constables to make and return true lists of all persons between the ages of 21 and 70, liable to serve on juries, which list shall be returned by the constable at the Michaelmas sessions yearly. High constable neglecting to issue precept to forfeit £10. and petty constable for not preparing list, £5. on conviction at the assizes or sessions. 7 and 8 *Wm. c.* 32, *s.* 4. 3 and 4 *Ann, c.* 18, *s.* 5. and petty constables shall 20 days before Michaelmas, on two or more Sundays, affix on church doors a list of persons intended to be returned as jurors, leaving a duplicate thereof with parish officers for inspection. 3 *Geo. II. c.* 15, *s.* 1. and if they wilfully omit any person's name, or insert any person improperly, they shall forfeit 20*s.* to be paid within five days. Lists to be subscribed and attested before a justice on oath, and the same being signed by the justice, may be delivered to the high constable, who shall deliver the same in open court at the sessions.—Penalty on constable's failing to make return, £5. *s.* 7.

(INSANITY. See "*Lunatics.*")

JUSTICES OF THE PEACE.

Justices of the Peace are by virtue of their commission conservators of the peace. *Crom.* 6.

No person shall be capable of acting as a justice of the peace who shall not have in law or equity for his own use, in possession, a freehold, copyhold or customary estate for life, or some greater estate, or an estate for a long term of years, determinable upon one or more lives, or for a certain term originally created for 21 years or more in lands, tenements or hereditaments in England or Wales, of the clear annual value of £100. free from incumbrances, or of a reversion of the clear yearly value of £300. 18 *Geo. II. c.* 20, *s.* 1. and if he acts without having taken the oath of qualification, or without being qualified, he shall forfeit £100. *s.* 3.

No sheriff, attorney, solicitor or proctor to exercise the office of justice of the peace. *Dalt. c.* 3, 5 *Geo. II. c.* 18, *s.* 2.

A record made by a justice of any thing done by him shall not be controverted. *Lamb.* 63, 66.

A justice cannot do any coercive act out of his county, but voluntary informations and recognizances are good, if taken by him any where. 2 *Haw. c.* 8, *s.* 78. and by 28 *Geo. III. c.* 49, a justice acting for two or more counties, being *adjoining counties*, may act in all things in any or either of the said coun-

ties. *s.* 1. provided he be personally resident in one of the counties. *Ibid.*

Justices, either of the county from which tenants fraudulently remove goods or of that in which they are concealed, may convict the offenders in their respective counties. *Cald. Ca.* 156.

Justice may also indorse warrants to apprehend any person residing out of the jurisdiction of the justice granting the warrant, on proof by oath of the hand-writing of the justice who granted the warrant. 24 *Geo. II. c.* 55. and (whether the offence be bailable or not) may order the party to be brought before him, or to be carried to the county from whence the warrant issued, and shall deliver the recognizance and examinations to the constable; if the offence be not bailable, or if no bail is given, the constable shall carry the offender before a justice of the county where the offence was committed. *Ibid.* On proof on oath of the hand-writing of the justice who granted the warrant, made before the justice of any other county, such justice is compellable to indorse the same to be executed within his jurisdiction, the Court of King's Bench being of opinion that he has no discretion over the subject matter of the warrant, and on affidavit of his refusal a mandamus would be granted to compel him. 1 *E. R.* 117.

By 33 *Geo. III. c.* 55, *s.* 3, if distress cannot be found within the jurisdiction of the justices granting a warrant, the same may be levied in any other

county or place, on warrant being indorsed by the justice of such other county or place.

If two sets of magistrates have a concurrent jurisdiction, and one appoints a meeting to grant ale-house licenses, it excludes others from appointing a subsequent meeting, but they may all meet together on the first day. 4 *T. R.* 451-7. Information will lie against a justice as well for *granting* as *refusing* an ale-house license improperly. 1 *T. R.* 692. Two justices may hold a session, but one cannot. *Cram.* 6, 7.

It is not regular for a justice to act in any case wherein he is personally concerned. *Dalt. c.* 173. but if he is abused or assaulted, no other justice being present, he may commit the offender. 1 *Str.* 420, 421.

A justice may act in all parochial matters, notwithstanding he is rated, but not at the quarter sessions on appeals relating to any parish in which he is rated. 16 *Geo. II. c.* 18, *s.* 1, 3, and 4 *T. R.* 71.

Peace officer must execute a justice's warrant, though the justice exceeds his authority in granting it. *Wood's Inst. b.* 1, *c.* 7. In the exercise of any *judicial act* requiring two magistrates, such as making an order of bastardy, adjudging a pauper's settlement, appointing overseers, allowing parish indentures, &c. it is necessary that justices should be together. 2 *Bl. Rep.* 1017.—*Burr. Sett. Cases*, 136.—2 *East's Rep.* 244.—3 *T. R.* 1880. but where

they act merely *ministerially*, as in allowing a poor's rate, &c. they may act separately. 3 *T. R.* 381.

Justices may supersede an order of removal of a pauper, after executing it, and may require the parish officers to return it. 1 *Str.* 6.—It is a misdemeanor in a justice to convict in a summary way without first summoning the party, and for which an information will lie. 1 *Salk.* 181. 2 *Ld. Raym.* 1407.

If a justice is convicted on an information he must personally appear. 2 *Str.* 1088. and a mandamus will lie to compel him to proceed in a matter cognizable before him. 1 *Str.* 580. Justices ought to make a record of all proceedings determined by them out of sessions, and in cases of conviction should return such conviction to the sessions. *Dalt.* c. 115.

In cases not controlled by particular statute, it is advisable that a justice should issue a summons before he grants a warrant, except in cases of felony, or where the offender is liable to suffer corporal punishment.

Indictment lies for calling a justice a rogue and a liar. 1 *Str.* 420.—A justice is not punishable for a mere error of judgment. 1 *Burr.* 556. nor can he be proceeded against both criminally and civilly. 2 *Burr.* 719.

Justices may award costs to or against any party complaining, and if such costs are not paid, the

same may be levied by distress. 18 *Geo. III. c.* 19, *s.* 1, and see title "*Costs.*"

A justice of the peace may indict an inferior officer for disobeying an order made by him; and if the defendant is convicted, the justice is intitled to the costs of the prosecution. 2 *T. R.* 47.

Every justice has the power of committing any person guilty of insolent behaviour to him in the execution of his office, *instanter*, unless such person enter into sureties for his good behaviour; though it is advisable, if it can be done without inconvenience, to lay the complaint before another magistrate.

Justices out of sessions may receive fines imposed by them, shall keep an account thereof, and shall annually, previous to the Michaelmas sessions, pay such fines to the Sheriff as shall be due to the King. 41 *Geo. III. c.* 85. justices shall also yearly send an account of such fines to the clerk of the peace, previous to the Michaelmas quarter sessions. *s.* 2.

In all cases where justices of the peace have jurisdiction over an offence, they may issue their warrant to apprehend the person accused. 2 *Haw. P. C. c.* 13, *s.* 15. and even for *suspicion* of felony, though the original suspicion be not in the justice but in the party praying the warrant, because the justice is the competent judge of the probability of the suspicion; but in all cases where a warrant is required the party requiring it should make oath of the facts. *Ibid.*

By 52 *Geo. III.* c. 160, one justice of the peace for the county, &c. where any gaol, not being a county gaol, is situate, may order parochial relief to any poor debtor confined under mesne process, not exceeding 6d. a day during such confinement. *s.* 1, 2.

By 53 *Geo. III.* c. 40, the act of 5 *Eliz.* c. 4. and 1 *Jac.* c. 6. empowering justices of the peace to rate wages or fix prices for work for artificers, labourers, and craftsmen, is repealed.

By 55 *Geo. III.* c. 137, amending 36 *Geo. III.* c. 23, it is enacted, that any justice or justices may order parochial relief to any poor person or persons at his, her or their home or homes, house or houses, for any time not exceeding three months from the date of such order; and any *two* justices may make further order for such relief for any further time not exceeding six months from the date of such order, and so on from time to time as occasion may require; such justice or justices first administering an oath as to the need and cause of such relief, and summoning the overseers to shew cause against it.

Justices may order relief to be discontinued if they see occasion. *s.* 3. and the sum of money which such justice or justices shall order to be paid to any poor person for a longer period than one month, shall not exceed 3*s.* per week, or three-fourths of the average weekly expense which shall be usually paid for the maintenance of such poor person in the workhouse. *s.* 4.

In distress warrant for a penalty, the justice granting it may order the goods distrained to be sold in not less than four nor more than eight days, unless the penalty and charges are sooner paid. 27 *Geo. II.* c. 20.

To an action brought against a justice for any thing done by him in the execution of his office, he may plead the general issue and give the special matter in evidence, and if he recovers he shall have double costs. 7 *Jac.* c. 5. no action shall be brought against a justice without a month's previous notice to him in writing. 24 *Geo. II.* c. 44. and though acting alone in a case where he should have the concurrence of other magistrates, he is still entitled to the notice. Waller *v.* Toke, *E.* 48 *Geo. III.* A justice may, within the month, tender the party amends, and plead such tender in bar of the action; and if such tender be sufficient, the jury shall find a verdict for the defendant. Action to be commenced within six months after the act committed. *s.* 8.

By 48 *Geo III.* c. 141, in actions against justices for an improper conviction, the plaintiff, besides the penalty levied, shall not recover more than 2d. unless the act is alleged to be done maliciously; but if such justice can prove at the trial that the plaintiff had been guilty of the offence, and that he had not suffered any greater punishment than by law assigned, then the plaintiff shall neither recover penalty nor costs. *s.* 2.—If a justice on complaint to

him made, refuse to execute his office, or misbehave, the party aggrieved may apply to the King's Bench for an information, and afterwards to the Court of Chancery, to put him out of the commission. 2 *Atk.* 2. but the usual course is to apply for a mandamus, in case of his refusal to execute his office. Justices may amend their convictions at any time before return of *certiorari*. *East's Rep.* 186.—No justice can supersede the warrant of another without a formal and legal examination. 2 *T. R.* 190.

Justices of the peace are bound by the oath of their office to take no other than fees accustomed, and costs limited by statute. By 26 *Geo. II. c.* 14, *s.* 1. justices shall, at the Midsummer sessions, settle a table of fees, which shall be laid before the judges at the next assizes, who may ratify the same, but no table of fees to be valid till so ratified; and any justice's clerk taking any other or greater fee, after three months from the time such table of fees is so ratified, shall forfeit £20. *s.* 2, 4. and by 27 *Geo. III. in Middlesex* the said table of fees to be confirmed by the two Lords Chief Justices and Lord Chief Baron, or any two of them.

Notwithstanding the directions of these statutes, the justices at their quarter sessions have generally omitted to settle the fees to be taken by their clerks; and it is usual for persons in that situation, to take under the control of the magistrates, such fees as appear reasonable. The police magistrates in London having necessarily more of the ordi-

nary business of justices of the peace to perform than sub-division magistrates, have settled the fees to be taken, which may, as far as they extend, be a guide for the charges of justices' clerks in general.

TABLE OF FEES.

	s.	d.
Information and warrant for an assault, or breach of the peace	1	0
Discharging defendant	1	0
Information and warrant, or summons under any penal statute	2	6
Discharging ditto	1	0
Recognizance to answer complaint at session	2	4
For bail and supersedeas	3	4
For every conviction	1	0
Binding a parish apprentice	1	0
[*This must be exclusive of the Indentures.*]		
Commitment of an apprentice	1	0
Discharging of an apprentice by two justices	2	6
Indorsing a warrant from one county to be executed in another	1	0
Examination in bastardy, and warrant	2	0
Signing poor's rate, or other rate books	2	6
Distress warrant for a penalty not paid	2	6
Return *nulla bona*	1	6
Justice's order	1	0
Information and warrant against a man for deserting his family	2	6
For every affidavit drawn by the clerk	2	6
For affidavit not so drawn	1	6

To these may be added the Table of Fees as settled by the magistrates of *Surrey* and ratified by the judges of assize.

TABLE OF FEES

To be taken by the Clerks to the Justices of the Peace in the County of SURREY.

	s.	d.
All informations or examinations on oath, or confessions, whereon any warrant or summons shall issue, or whereon any commitment, or order for punishment or for payment of money shall be made, not being cases of felony, nor herein-after provided for	1	0
Every warrant or summons not including more than five names	1	0
For every name above five	0	6
Every commitment, or order for punishment or for payment of money, not being cases of felony	1	0
Every *liberate* or discharge of a person in custody	1	0
For indorsing every warrant and oath	1	0
Every recognizance (except to prosecute or give evidence in cases of felony, or for a victualler's good behaviour) whatever number of names may be included therein	2	6
Every supersedeas	2	6
Every examination (taken in writing) in settlement or in bastardy cases, and oath	3	0
Every order of removal, and duplicate	3	6
Every indorsement of suspension of such order, duplicate, and oath	2	0
Every order taking off such suspension, including the order to refund the expenses of maintenance during the suspension, and oath	2	0
Every order allowing certificate of settlement, and oath	2	0
Every order allowing the expense of maintaining and removing certificated persons	1	0
Every precept to give notice of nominating overseers, and serving same on high constable	2	6
Every appointment of surveyors of highways, and charge, as *per stat.*	1	0
Printed abstract of the act, as *per stat.*	0	6
Bond, if taken from the surveyor, as *per stat.*	0	6
Every warrant to appoint overseers of the poor, whatever number of names may be included therein	3	0

	s.	d.
Duplicate of appointment, if required	1	6
Every appointment of inspectors of weights and measures	1	0
Allowing and signing a parish or other rate, (each book) and oath	2	0
Every warrant of distress, and oath	2	0
Every commitment for want of distress	2	0
Every notice of giving landlord possession of premises deserted by his tenant, and serving same	2	6
Giving possession of same	2	6
Every adjudication in bastardy	3	0
Duplicate thereof	2	0
Allowing and registering a pair of parish indentures	2	0
Allowing the account of every surveyor of highways, examination and oath, as *per stat.*	1	0
Every order for an additional assessment for repair of the highways, and oath	2	6
Every other order relative to the business of the surveyor	2	6
Every certificate of a justice, of the repair of a road or abatement of a nuisance which has been indicted or presented	5	0
Every privy search warrant	2	6
Return thereof to the petty-session	2	0
Swearing every affidavit in any case where the magistrates have legal power to administer an oath	1	0
Precept to the high constables to give notice of the time and place of licensing victuallers, and serving same	1	6
Every license of a victualler, including 1s. for the recognizance and 1s. for the clerk of the peace	7	0
Drawing every information on penal stats. and oath	3	6
Drawing and ingrossing every conviction, where the form is given by the stat.	2	0
Ditto where the form is not given	5	0
Attesting every soldier	1	0
Every warrant to pass luggage waggons	1	0
Every commitment of a deserter, letter thereon to the secretary at war, and warrant for paying the reward for apprehension	2	6
Every order for paying the reward for apprehending a vagrant	1	0
Every order concerning masters and servants in husbandry	2	0
Every discharge of an apprentice made out of session	3	0

	s.	d.
Swearing constables to lists of freeholders, or of persons liable to serve in the militia	1	0
Every oath of office	1	0
Every order to seize the estate and effects of a person running away & leaving a family chargeable to parish	2	0
Every examination of a vagrant, pass thereon, & duplicate	3	0
Certificate thereon	1	0
Allowing the account of treasurer, or overseers, respecting money advanced for relief of militia-mens' families	1	0
Record of forcible entry and detainer	5	0
Record of writ on view	2	6
Precept to the Sheriff to return a jury	2	6
Inquisition on a forcible entry or riot	2	6
Imposition, or record of fine set	2	6
Warrant to the sheriff to make restitution	2	6
Certificate of rioters continuing together after proclamation made	2	6
Order allowing special constables expenses, to be submitted to the session	2	0

Oath of Office of a Justice of the Peace.

Ye shall swear, That as justice of the peace in the county of ——, in all articles in the King's commission to you directed, you shall do equal right to the poor and to the rich, after your cunning, wit and power, and after the laws and customs of the realm, and statutes thereof made; and ye shall not be of counsel of any quarrel hanging before you; and that ye hold your sessions after the form of the statutes thereof made; and the issues, fines, and amerciaments that shall happen to be made, and all forfeitures which shall fall before you, ye shall cause to be entered without any concealment or embezzling and truly send them to the King's exchequer. Ye shall not let for gift or other cause, but well and truly ye shall do your office of justice of the peace in that behalf; and that you take nothing for your office of justice of the peace to be done but of the King and fees accustomed and costs limited by statute. And ye shall not direct, nor cause to be directed any warrant (by you to be made) to the parties, but ye shall direct them to the bailiff of the said county, or other the King's officers or ministers, or other indifferent persons, to do execution thereof.

So help you God.

Oath of Qualification.

I, A. B. do swear that I truly and *bona fide* have such an estate in law or equity, to and for my own use and benefit, consisting of [*state the nature of the estate*], as doth qualify me to act as a justice of the peace for the county [*riding* or *division*] of ——, according to the true intent and meaning of an act of parliament made in the 18th year of the reign of His Majesty King George the Second, intitled "An Act to amend and render more effectual an Act passed the fifth year of His present Majesty's reign intitled, An Act for the further Qualification of Justices of the Peace," and that the same [*except where it consist of an office, benefice, or ecclesiastical preferment, which it will be sufficient to ascertain by their known and usual names*] is lying and being, or issuing out of lands, tenements, or hereditaments, being within the parish, township, or precinct of —— [or *in the several parishes, townships, or precincts of* ——] in the county of ——, [or *in the several counties of* ——, *as the case may be*].

Commitment for insulting a Justice of Peace in the execution of his Office.

To the Constables of the Parish of —— in the county of ——, and to the Keeper of the Common Gaol at —— in the said county.

—— to wit. Whereas A. B. being personally present this day, at —— in the said county, before me S. P. Esq. one of His Majesty's justices of the peace in and for the said county, to answer and make his defence to a certain information before me exhibited against him, for *(state the offence)*, and being so personally present before me hath this day been guilty of divers gross insults and contemptuous behaviour to me the said justice, then being in the actual execution of my office as such justice of the peace as aforesaid, by accusing me of partiality and injustice in the execution of my office [or *as the case may be*]. And whereas the said A. B. in consequence of such his insolent and contemptuous behaviour is now here by me the

said justice required to find sureties for his good behaviour; that is to say, two sufficient sureties to become bound with him in a recognizance in the sum of £—— each, conditioned for the personal appearance of the said A. B. at the next general quarter sessions of the peace to be holden in and for the said county, and that in the mean time he should be of good behaviour; but the said A. B. hath refused to find sureties and to become bound in such recognizance as aforesaid. These are therefore to command you the constables of the parish of —— aforesaid, to convey and deliver the said A. B. into the custody of the keeper of the common gaol at —— in the said county, together with this my warrant, and I hereby command you the said keeper to receive the said A. B. into your custody in the said county gaol, and him there safely to keep until he find such sureties and enter into such recognizance, or be from thence otherwise delivered by due course of law.

Given under my hand and seal &c.

Another Form.

To the Keeper of ——.

—— to wit. Receive into your custody the body of A. B. herewith sent you by me S. P. Esq. one of His Majesty's justices of the peace in and for the said county, and charged by me the said justice, upon the view of me the said S. P. one of His Majesty's justices &c. for indecent behaviour by insulting me and obstructing me in the due execution of my office as a magistrate, as aforesaid, against the peace &c. and him the said A. B. safely keep in your custody, for want of sureties, or until he shall be discharged in due course of law; and for so doing this shall be your sufficient warrant.

Given under my hand and seal &c.

Another Form.

—— with insolently and impudently misbehaving himself when under examination before me the said justice and J. C. Esq. another of His Majesty's justices of the peace for the said county, in talking obscenely and expressing himself with the greatest contempt to us the said justices during the time he was under the said examination before us, against the peace &c.

Notice of Motion for leave to file a Criminal Information against a Justice.

To C. D. Esq. one of His Majesty's Justices of the Peace in and for the county of ——.

Take notice, That I shall move His Majesty's Court of King's Bench, at Westminster, on the —— day of next —— term, or so soon after as counsel can be heard, for leave to file a criminal information against you in the Crown Office, for misconduct in your office of justice of the peace, in illegally and without any reasonable or probable cause whatsoever causing me to be apprehended on the —— day of —— last, and to be committed to the common gaol at —— in the said county, and there to be detained for a long space of time, to wit for the space of —— days, on a supposed charge of —— [*or as the fact is*]. Dated &c.

Your's &c.

A. B.

LANDLORD AND TENANT.

By 11 *Geo. II.* c. 19, goods fraudulently and clandestinely removed off the premises and concealed in any house, &c. to prevent distress, the landlord, or any person lawfully authorized by him, may, in 30 days after such conveying away, seize the same wherever found, and sell them as if distrained on the premises, except they are *bona fide* sold for a valuable consideration to a person not privy to the fraud. s. 2. and landlord may, with the aid of a peace officer, upon proof on oath of reasonable suspicion, break open and enter any house, &c. in the day time, where goods are sup-

posed to be concealed, and take and seize such goods. *s.* 7. Tenant, or person aiding fraudulent removal of goods, to forfeit to landlord double their value, to be recovered by action. *s.* 3.

If goods so removed or concealed are not worth more than £50. the landlord or his agent may exhibit complaint to two justices, who are empowered to summon parties, examine witnesses, and determine the matter; and on proof of the offence, the party to forfeit double the value of the goods, by an order under the hands and seals of justices; if not paid, distress, and in default, commitment for six months to hard labour, or till the money is paid. *s.* 4.

Appeal allowed to sessions, on giving recognizance in double the sum stated in the justice's order, such order not to be executed in the mean time. The determination of the sessions to be final, and costs may be awarded to either party. *s.* 5, 6.

The removal must have taken place *after* the rent became due, in order to justify the landlord's seizing under this act, and it must be a clandestine removal.

If tenant at rack rent, or where rent reserved shall be three-fourths of the yearly value, who shall be in arrear one year's rent, deserts the premises, and leaves the same uncultivated or unoccupied, with no sufficient distress left to answer the arrear of rent, two justices (having no interest), at the request of the landlord, his bailiff, or receiver, may

go upon and view the same, and on the most notorious part of the premises affix a notice in writing what day (at the distance of fourteen days at least) they will take a second view; and if upon such second view, tenant shall not appear and pay the rent, or there shall not be sufficient distress on the premises to pay the rent, then the justices may put the landlord in possession, and the lease thenceforth to be void. 11 *Geo. II. c.* 19. but appeal allowed to the next justice or justices of assize; if in London to the King's Bench or Common Pleas; if in the Counties Palatine to the judges thereof; if in Wales to the Great Sessions; who are respectively authorized to order restitution to the tenant, if they see cause, with costs; but if the order of the justices is affirmed, then tenant to pay costs not exceeding £5. *s.* 17.

Complaint for fraudulently and clandestinely removing Goods to avoid Distress.

—— to wit. Be it remembered, That this —— day of ——, 1817, A. B. of —— complaineth that C. D. of —— hath fraudulently and clandestinely removed and conveyed away certain goods and chattels, not exceeding the value of £50. from his dwelling house situate at —— in the county aforesaid, to prevent E. F. of —— from distraining the said goods and chattels for arrears of rent due to him for the said dwelling house [or *as the case is*], and that G. H. of —— wilfully and knowingly aided and assisted the said C. D. in so fraudulently and clandestinely removing and conveying away the said goods and chattels, and in concealing the same.

A. B.

Exhibited at ——, the —— day of ——, before us J. C. and S. P. Esquires, two of His Majesty's justices of the peace

in and for the said county, residing near the place where the goods and chattels were, and not being interested in the lands and tenements from whence the same were removed.

Summons thereon.

To the Constable of —— in the county of ——.

—— to wit. Whereas a complaint in writing hath been this day exhibited before us, two of His Majesty's justices of the peace for the said county, residing near the place from whence the goods and chattels hereafter mentioned were removed, and not being interested in the lands or tenements from whence the same were conveyed, by A. B. of ——, setting forth that C. D. of —— hath fraudulently and clandestinely removed and conveyed away certain goods and chattels, not exceeding the value of £50. from his dwelling house [or *as the case is*], situate at ——, to prevent E. F. of —— from distraining his said goods and chattels for arrears of rent due to him for the said dwelling house, and that G. H. of ——, and J. K. of —— wilfully and knowingly aided and assisted the said C. D. in so fraudulently and clandestinely removing and conveying away the said goods and chattels, and in concealing the same.

These are therefore to command you forthwith to summon the said C. D. G. H. and J. K. to appear before us at ——, on the —— day of ——, at the hour of —— in the —— noon, to answer the matter of the said complaint.

Given under our hands and seals, this —— day of ——, in the year of our Lord 1817.

J. C.
S. P.

Conviction of a Tenant for fraudulently removing Goods &c. and his Abettors.

—— to wit. Be it remembered, That on the —— day of ——, in the 57th year of the reign of our Sovereign Lord George the Third, by the Grace of God of the United Kingdom &c. and in the year of our Lord 1817, A. B. of ——, gent. [*if exhibited by bailiff, steward or agent, say* "bailiff, servant or

agent of E. F. of —— in the said county, gent."] in his own proper person cometh before us J. C. and S. P. Esquires, being two of the justices of our said Lord the King, assigned to keep the peace of our said Lord the King in and for the said county of ——, and also to hear and determine divers felonies, trespasses and other misdemeanours in the said county committed, residing near the place whence the goods and chattels herein-after mentioned were removed, [or *if the proceedings are before justices residing near the place where the goods and chattels were found, say* "residing near the place where the goods and chattels herein after mentioned were found,"] we or either of us not being interested in the [*here describe the place whence such goods and chattels were removed, as* "messuage, dwelling house, cottage, close, &c." *as the case may be*], and [*if the complaint is exhibited by bailiff, servant or agent of the landlord, say* "on the behalf of the said E. F."] exhibiteth before us a certain complaint in writing against C. D. of the parish of —— in the county of ——, yeoman, and thereby giveth us the said justices to understand and be informed, that the said C. D. (or one G. H.) [*naming the tenant*] for the half of a year next before and ending at and upon the —— day of ——, in the year of our Lord 1817, held and enjoyed a certain [*here describe the demised premises*], with the appurtenances, situate, lying and being in the parish of —— in the county of ——, as tenant thereof to the said E. F. under a demise thereof theretofore made at the yearly rent of ——, payable to the said E. F. half yearly, to wit on the —— day of —— and the —— day of ——, by even and equal portions; and that on the said —— day of ——, in the year aforesaid, the sum of £—— of the rent aforesaid, for the half year ending the —— day of —— last, became, and was and still is due, in arrear and unpaid, from the said C. D. to the said E. F. the said C. D. afterwards, that is to say on the —— day of ——, in the year of our Lord 1817, fraudulently and clandestinely conveyed away and carried off and from the said demised premises, one [*here describe the goods taken*], being the proper goods and chattels of the said C. D. not exceeding in value the sum of £50. but being of the value of £—— of lawful money &c. to prevent the said E. F. from distraining the same for the said arrears of rent, so then due and unpaid as aforesaid [*if the complaint is against a third person for assisting, say* "and that the said G. H. on the day and year aforesaid, did wilfully and

knowingly aid and assist the said C. D. in such fraudulent conveying away and carrying off and from the said demised premises the said goods and chattels and every part thereof;" *or if the complaint against such third person is for concealing the goods so fraudulently carried off the premises, say* "and that the said G. H. afterwards, and after the said goods and chattels were so fraudulently and clandestinely conveyed away and carried off and from the said demised premises as aforesaid, to wit on the same day and year aforesaid, at the parish of —— in the county of ——, did wilfully and knowingly aid and assist the said C. D. in concealing the said goods and chattels and every part thereof,"] contrary to the form of the statute in such case made and provided; whereby and by force of the said statute, the said C. D. hath forfeited to the said E. F. from whose estate the said goods and chattels were so fraudulently carried off as aforesaid, double the value of the said goods so by him carried off or concealed as aforesaid; and thereupon the said E. F. humbly prays that the said C. D. may be convicted of the said offence, according to the form of the statute in such case made and provided, and that the said C. D. may be summoned to answer the said premises and to make his defence thereto, before us the said justices: whereupon the said C. D. having been duly summoned in this behalf, to answer and make his defence to the said complaint and the said offence therein charged upon him before us the said justices afterwards; that is to say on the —— day of ——, in the said year of our Lord 1817, at —— aforesaid in the said county of ——, appeareth and is present before us the said justices, in order to answer and make good his defence to the said complaint and the said offence therein charged upon him as aforesaid; and he the said C. D. having heard the same, is asked by us the said justices if he can say any thing for himself why he the said C. D. should not be convicted of the premises above charged unto him in form aforesaid, who pleadeth that he is not guilty of the said offence;—nevertheless, on the said —— day of ——, in the said year of our Lord 1817, at —— aforesaid, in the county aforesaid, one credible witness, to wit N. O. of —— in the said county, yeoman, cometh before us the said justices in his proper person, and before us the said justices the said N. O. being then and there, to wit on the same day and year aforesaid, at —— aforesaid in the county aforesaid, duly sworn, touching the premises, upon

the Holy Gospel on his corporal oath, to him administered by us the said justices (we the said justices having full power and authority to administer the said oath to the said N. O.) deposeth, sweareth, and upon his oath aforesaid affirmeth and saith in the presence and hearing of the said C. D. that [*here set forth the evidence, which must prove the particulars of the demise, the amount of the rent in arrear, the fact of removing the goods, and the circumstances of privacy or fraud attending it; and if the complaint is against a third person for assisting, the fact of such assistance and its particular manner; or if the complaint against such third person is for concealing the goods or chattels so fraudulently conveyed away by the tenant, the fact of concealing such goods and chattels, and which of them in particular, with the place where they were found so concealed, and lastly the value of the goods so removed and carried away or concealed,*] whereupon all and singular the matters and things in the said complaint and evidence contained, being by the said C. D. then heard and fully understood, the said C. D. is by us the said justices asked what he has to say or offer in his defence against the said complaint and offence, and in answer to the evidence given as above mentioned, and what he hath to say why he should not be convicted of the premises so charged upon him: and forasmuch as upon hearing and fully understanding the said complaint and the evidence given as above mentioned, and also upon hearing and fully understanding all and singular the matters and things by the said C. D. alledged and proved in his defence touching the premises in the said complaint specified, it manifestly appears to us the said justices that the said C. D. is guilty of the premises above charged upon him in the said complaint, and that the said goods and chattels in the said complaint mentioned at the time of the carrying off [or *concealing*] the same, as in the said complaint is mentioned, were of the value of £——, of lawful money of Great Britain; Therefore it is adjudged by us the said justices, that the said C. D. be convicted and he is hereby convicted by us the said justices of the offence charged upon him in and by the said complaint, according to the form of the statute in that case made and provided; and we do adjudge and order the said C. D. to pay to the said E. F. [*if the complaint is by the bailiff &c. say* "to the use of the said E. F.] the sum of £—— [*being double the value of the said goods and chattels in the said complaint mentioned*], on the

—— day of —— now next ensuing, according to the form of the statute in that case made and provided. In witness whereof, we the said justices to this record of conviction have set our hands and seals, at —— in the county aforesaid, the —— day of ——, in the 57th year of the reign &c. and in the year of our Lord 1817.

J. C.
S. P.

Warrant of Distress on refusing to pay, pursuant to the preceding Order.

To the Constable of ——.

—— to wit. Whereas C D. of ——, G. H. of —— and J. K. of —— were, by an order dated the —— day of ——, under the hands and seals of us, two of His Majesty's justices of the peace for the said county, residing near the place where the goods and chattels hereafter mentioned were found, and not being interested in the lands or tenements from whence the same were removed, ordered to pay the sum of £—— to E. F. or his bailiff, servant or agent, on or before the —— day of ——, being double the value of certain goods and chattels of the said C. D. which he was before us duly convicted of having fraudulently and clandestinely removed and conveyed from ——, to prevent the said E. F. from distraining the said goods and chattels for arrears of rent due to him for the said ——, and which said G. H. and J. K. were also duly convicted before us of having wilfully and knowingly aided and assisted the said C. D. in so fraudulently and clandestinely removing and conveying away and concealing the same; And whereas the said C. D. G. H. and J. K. having notice of our said order, have refused or neglected to pay, and have not paid, the said sum of £.—— pursuant thereto, and the same hath been fully proved before us; These are therefore to command you to levy the said sum by distress and sale of the goods and chattels of the said C. D. G. H. and J. K. And we do hereby order and direct the goods and chattels so to be distrained, to be sold and disposed of within six days, unless the said sum of £.—— for which such distress shall be made, together with

the reasonable charges of taking and keeping the same, shall be sooner paid. And you are also hereby commanded to certify to us what you shall do by virtue of this our warrant.

Given under our hands and seals, at —— in the said county, the —— day of ——, in the year of our Lord 1817.

J. C.
S. P.

Constable's Return, to be Indorsed.

I, P. Q. constable of ——, do hereby certify to the within-named justices of the peace, that I have made diligent search for, but do not know of nor can find any goods and chattels of C. D. G. H. and J. K. or any or either of them, by distress and sale whereof I may levy the sum of £.—— pursuant to their warrant for that purpose dated the —— day of ——.

Given under my hand this —— day of ——, 1817.

Commitment for want of Distress.

To the Constable of ——, and also to the Keeper of the House of Correction at —— in the county of ——.

—— to wit. Whereas C. D. G. H. and J. K. were, by an order dated the —— day of ——, under the hands and seals of us, two of His Majesty's justices of the peace for the said county, residing near the place where the goods and chattels hereafter mentioned were found, and not being interested in the lands and tenements from whence the same were removed, ordered to pay the sum of —— to E. F. or to his bailiff, servant or agent, on or before the —— day of ——, being double the value of certain goods and chattels of the said C. D. which he was before us duly convicted of having fraudulently and clandestinely removed and conveyed away from —— to prevent the said E. F. from distraining the said goods and chattels for arrears of rent due to him for the said ——, and which they the said G. H. and J. K. were also duly convicted before us of having wilfully and knowingly aided and assisted the said C. D. in so fraudulently and clandestinely removing and conq

veying away, and in concealing the same; And whereas the said G. H. and J. K. had due notice of our said order, and have refused or neglected to pay and have not paid the said sum of £.—— pursuant thereto; and the same hath been duly proved before us. And whereas it appears to us, by the return of the constable of —— dated the —— day of ——, that he hath made diligent search for, but doth not know of nor can find any goods and chattels of the said C. D. G. H. and J. K. or any or either of them, by distress and sale whereof the said sum may be levied, pursuant to our warrant duly made and issued for levying the said sum of £.—— by distress and sale of the goods and chattels of the said C. D. G. H. and J. K. These are therefore to command you the said constable of ——, to apprehend the said C. D. G. H. and J. K. and convey them to the said house of correction at —— aforesaid, and deliver them to the said keeper thereof; and these are also to command you the said keeper of the said house of correction, to receive them into the said house of correction, and there keep them to hard labour, without bail or mainprize, for the space of six months, unless the said sum of £.—— so ordered to be paid as aforesaid shall be sooner satisfied.

Given under our hands and seals at ——, the —— day of ——, 1817.

J. C.
S. P.

Affidavit to ground Warrant for breaking open Dwelling-house where Goods are concealed or suspected to be so.

—— to wit. E. F. of ——, gent. the landlord of ——, [or *L. M. bailiff of* &c.] maketh oath and saith, that certain goods and chattels of C. D. of —— have been fraudulently and clandestinely conveyed and carried away from —— by the said C. D. his servants or agents, or other person or persons aiding and assisting therein, to prevent this deponent from distraining the said goods and chattels for arrears of rent due to him [or *to the said E. F.*] for the said ——; and that the said goods and chattels are put, placed and kept in the dwelling house of G. H. at ——, locked up, fastened or otherwise secured, so as to prevent the said goods and chattels from being taken and

seized as a distress for arrears of rent; [or *if the place is not really known but suspected only, say* "and that the said E. F. hath reasonable cause to suspect that the said goods and chattels are put, placed or kept in the dwelling house of G. H. of ——, for he this deponent saith, *state the ground of suspicion, which must be strong to justify a warrant*].

Taken and sworn at ——,
the —— day of ——,
before me
S. P. one &c.

Warrant to break open Dwelling-house and Distrain.

To the Constable, Headborough, Borsholder or other Peace Officer of ——, and to each and every of them.

—— to wit. Whereas E. F. of —— hath this —— day of ——, in the year of our Lord 1817, exhibited his complaint, and made oath before me, one of His Majesty's justices of the peace for the said county, that certain goods and chattels of C. D. of —— have been fraudulently and clandestinely conveyed and carried away from —— by the said C. D. his servant or servants, agent or agents, or other person or persons aiding or assisting therein, to prevent the said E. F. from distraining the said goods and chattels for arrears of rent due to him for the said ——, and that the said goods and chattels are put, placed or kept in the dwelling house of G. H. at ——, locked up, fastened or otherwise secured, [or *if on suspicion of the place only, say* "and that the said E. F. hath reasonable ground to suspect and doth suspect that the said goods and chattels are in the dwelling-house of G. H. at ——in the county aforesaid."] so as to prevent the said goods and chattels from being taken and seized as a distress for arrears of rent.

These are therefore to command you and each and every of you, to aid and assist the said E. F. his steward, bailiff, receiver or other person or persons empowered to take and seize as a distress for rent the said goods and chattels, in the day-time to break open and enter into the said dwelling-house of the said G. H. at —— aforesaid, and to take and seize the said goods and chattels for the said arrears of rent, according to law.

Given under my hand and seal, at ——, the day and year aforesaid.

Indorsement on a Warrant of Distress to be executed in another County.

—— to wit. S. P. Esq. one of His Majesty's justices of the peace in and for the said county, doth hereby certify that oath hath been made this —— day of —— before him, by P. Q. the constable named in the within warrant, that he the said P. Q. hath, by virtue thereof, made diligent search for the goods and chattels of the within-named C. D. and that he can find no sufficient goods and chattels of him within the county of —— whereon the within named sum can be levied; These are therefore to authorize the said P. Q. who bringeth to me this warrant, and all persons to whom the said warrant is directed [*if it is directed to more than one*], to execute the same within the said county of ——.

Given under my hand and seal, &c.

S. P.

Information and Complaint, under 11th Geo. II. c. 19, of Tenant having deserted Premises.

—— to wit. The information and complaint of A. B. of —— in the county of ——, taken this —— day of ——, 1817, who saith that he the said A. B. did in and by a certain indenture bearing date the —— day of ——, in the year of our Lord 18—, demise unto C. D. of —— in the county of ——, a certain messuage [*or as the case is*], situate and being at —— in the county aforesaid, at a rack rent [*or three fourths of the yearly value, if so*], that is to say, at the yearly rent of £.—— payable quarterly [*if so*], on the —— day of ——, &c. And the said A. B. further complaineth that on the —— day of —— now last past, there was in arrear and due unto him the said A. B. from the said C. D. the tenant of the said demised premises, one whole year's rent thereof, and that he the said C. D. hath deserted the said demised premises and left the same uncultivated and unoccupied, so as no sufficient distress can be had to countervail the said arrears of rent, and that the said arrears of rent have been duly demanded according to law; wherefore the said A. B. doth request J. C. and S. P. Esquires,

two of His Majesty's justices of the peace for the said county, to go and view the said demised premises, and affix on the most notorious part thereof a notice in writing what day they will return and take a second view thereof, and that a remedy may be given to the said A. B. according to the form of the statute in that case made and provided. A. B.

Taken before us the said justices,
the —— day of ——, 1817.
J. C.
S. P.

Notice to Tenant of two Justices' view of deserted Premises.

Mr. C. D.

Take Notice, That upon the complaint and information of A. B. of —— in the county of ——, gent. made unto us whose names and seals are hereunto subscribed and set, being two of His Majesty's justices of the peace for the county of ——, that you the said C. D. have deserted the messuage &c. situate at —— in the said county, demised to you by the said A. B. by indenture bearing date the —— day of ——, 1817, at a rack rent, [or *three fourths of the yearly value*] viz. at the yearly rent of £.—— and that there is in arrear and due from you unto the said A. B. one whole year's rent for the said demised premises, and that you have left the said premises uncultivated and unoccupied, so that no sufficient distress can be had to countervail the said arrears of rent; we the said justices having no interest, nor either of us having any interest in the said demised premises, on the said complaint and at the request of him the said A. B. have this day come upon and viewed the said demised premises, and do find the said complaint to be true; and on the —— day of —— we will return to take a second view thereof, and if upon such second view you, or some person on your behalf, shall not appear and pay the said rent in arrear, or there shall not be a sufficient distress on the said premises, then we the said justices will put him the said A. B. into the possession of the said demised premises, according to the form of the statute in such case made and provided. In witness whereof we the said justices have hereunto set our hands and seals, and have caused this notice to be affixed on the outer door of the said messuage or tenement, the same being the most notorious part of the said premises, this —— day of ——, 1817. J. C.
S. P.

Record of putting Landlord in Possession.

—— to wit. Be it remembered, That on the —— day of ——, in the 57th year of the reign of His Majesty King George III. and in the year of our Lord 1817, A. B. of —— in the county of ——, complained unto us J. C. and S. P. Esquires, two of the justices of our said Lord the King assigned to keep the peace within the said county, and also to hear and determine divers felonies, trespasses and other misdemeanors in the said county committed, that he the said A. B. did in and by a certain indenture bearing date the —— day of ——, 18—, demise unto C. D. of —— in the said county, a messuage &c. [*as the fact is*], situate &c. at a rack rent [or *three fourths of the yearly value*], that is to say, at the yearly rent of £.—— payable quarterly, on the —— day of ——, &c. and that on the —— day of —— last there was due and in arrear unto the said A. B. from the said C. D. as tenant of the said demised premises, one whole year's rent thereof; and that he the said C. D. had deserted the said demised premises and left the same uncultivated and unoccupied, so as no sufficient distress could be had to countervail the said arrears of rent, and that the said arrears of rent had been duly demanded according to law: whereupon the said A. B. then and there, to wit on the said —— day of ——, in the year aforesaid, at —— aforesaid in the county aforesaid, requested of us the said justices that a due remedy to him in this behalf should be provided, according to the form of the statute in that case made; which complaint and request by us the aforesaid justices being heard, we the said J. C. and S. P. Esquires, justices aforesaid, (having no interest, nor either of us having interest in the said demised premises) on the said —— day of ——, in the year aforesaid, did personally go upon and view the said premises, and then and there upon our own proper view did find the said complaint to be true, and did then and there affix on the most notorious part of the said demised premises, to wit upon the outer door of the said dwelling house [or *as the fact may be*], a notice in writing under our hands and seals, that we the said justices, on the —— day of ——, in the same month of ——, in the year aforesaid, would return to take a second view thereof; upon which said —— day of ——, in the year afore-

said, we the said justices did return and take a second view of the premises aforesaid, and there upon our own proper view did find that he the said C. D. did not appear, nor did any person in his behalf appear and pay the said rent in arrear, and that there was no sufficient distress upon the premises aforesaid, nor upon any part thereof, to countervail the said arrear of rent; Therefore we the said justices, at —— aforesaid in the county aforesaid, on the —— day of ——, in the year aforesaid, did put the said A. B. into possession of the said demised premises, according to the form of the statute in that case made and provided.

In witness whereof we the said justices unto this record do set our hands and seals, at —— aforesaid in the county aforesaid, the —— day of ——, in the 57th year of the reign &c. and in the year of our Lord 1817.

J. C.
S. P.

LARCENY.

Larceny is the feloniously and fraudulently taking and carrying away the personal goods of another in his absence, and is divided into Grand and Petit Larceny.

Grand larceny is the felonious and fraudulent taking and carrying away of the personal goods of another, above the value of 12d.

Petit larceny is when the goods stolen do not exceed that value. 1 *Haw. c.* 33, *s.* 1. Two persons stealing together goods of the value of 12d. are each guilty of grand larceny. *s.* 32. but no number of petit larcenies can be combined so as to constitute one act of grand larceny. *Leach,* 329.

Grand larceny is punishable with death; petit larceny with forfeiture of goods, transportation,

and whipping, or other corporal punishment. 1 *Haw. c.* 33. *s.* 36.

A taking violently in the *presence* is a taking from the person. *Str.* 1015.

Stealing things attached to the freehold, as corn or grass growing, or apples, &c. on a tree, is not larceny but a trespass; otherwise if severed from the freehold, *s.* 21. and this whether severed by the owner, or even by the thief, if the latter sever them at one time and come again to take them. 1 *Haw. c.* 33, *s.* 21.

In petit larceny there can be no accessaries either before or after the fact. 2 *East. P. C. c.* 16, *s.* 140. and it is a bailable offence, at the discretion of the justices.

It is a principle in cases of larceny that where that crime may be committed of the thing itself, it may also be committed of the produce of that thing, as taking milk from a cow, or wool from a sheep. *Leach*, 205.

An indictment will lie for larceny, though the thing stolen be the property of a person unknown. 1 *Hal. P. C.* 512.

In cases of larceny where benefit of clergy is excluded, the thing stolen must exceed the value of 12d. *Toml. Dict.* title "*Larceny.*"

Warrant to apprehend in Larceny.

To the Constable of ——.

—— to wit. Whereas A. B. of —— in the said county, yeoman, hath this day made information and complaint upon

oath before me one of His Majesty's justices of the peace for the said county, that this present day divers goods belonging to him, to wit [*describe the goods stolen*], have feloniously been stolen, taken and carried away from his house [*shop &c. as the fact is*], at —— in the said county, and that he hath just cause to suspect that C. D. of &c. feloniously did steal, take and carry away the same: These are therefore to command you forthwith to apprehend the said C. D. and to bring him before me to answer unto the said information and complaint, and to be further dealt withal according to law. Herein fail not.

Given under my hand and seal this —— day of ——, in the year of our Lord 1817.

J. C.

Search Warrant in Larceny.

To the Constable of ——.

—— to wit. Whereas it appears to me, one of His Majesty's justices of the peace for the said county, by the information on oath of A. B. of —— in the said county, that the following goods, to wit [*describe the goods stolen*], have by some person or persons unknown, within —— days last past, been feloniously taken, stolen and carried away out of his house, [*shop &c.*] at —— aforesaid in the county aforesaid; and that he hath probable cause to suspect and doth suspect that the said goods or part thereof are concealed in the dwelling-house [or *as the fact is*] of C. D. at —— in the said county; These are therefore, in His Majesty's name, to authorize and require you, with necessary and proper assistants, to enter in the day-time into the said dwelling-house of the said C. D. and there diligently to search for the said goods; and if the same or any part thereof shall be found upon such search, that you bring them and also the body of the said C. D. before me, or some other of His Majesty's justices of the peace for the said county, to be disposed of and dealt with according to law. Herein fail not.

Given under my hand and seal, at —— in the said county, this —— day of ——, 1817.

J. C.

LEATHER,

INCLUDING RAW HIDES AND SKINS.

The acts of parliament imposing duties on leather, and the regulations respecting tanning, currying, &c. from 1 *James I.* to the *Session* 1816, being very numerous, and difficult of abridgment, those who wish for correct information are referred to the statutes at large.

By 39 and 40 *Geo. III. c.* 66, two justices may appoint a convenient place and time for inspecting raw hides and skins, not more than three nor less than two miles distant from every city, town corporate, or market town wherein such justices shall act; and tanners and other manufacturers of leather may nominate inspectors. *s.* 3.—Butchers or their servants wilfully or negligently cutting or gashing hides, or flaying them more than two inches below the knee, to forfeit not exceeding 5s. nor less than 1s. for the hide of every ox, bull, cow, heifer, steer or stirk; and not exceeding 2s. 6d. nor less than 6d. for the skin of every calf; and not more than 2s. 6d. nor less than 1s. for every hide of a horse, mare or gelding; and not more than 6d. nor less than 3d. for the skin of every hog, pig, sheep or lamb. 41 *Geo. III. c.* 53.

Inspectors may impose penalties for damaging hides and skins, not exceeding half the penalties

imposed by the act, without such penalties being adjudged by any justice, subject nevertheless (if disputed by the owner) to the arbitration of persons to be summoned; but if such inspector deem any person liable to a higher penalty, the same to be recovered by information before a justice. 39 and 40 *Geo. III. c.* 66, *s.* 6. one half of the penalty to the inspector, and the other towards carrying the act into execution. 41 *Geo. III. c.* 53, *s.* 7.

Inspectors are to provide proper stamps for marking hides; and if the person to whom damaged hides belong do not pay the penalty, they may be seized by inspector and sold, unless paid in forty-eight hours. *s.* 9.

Not bringing hides to be stamped, or removing them before stamped, incurs a penalty of not more than £5. nor less than 40s. for each hide. *s.* 10.

If dispute arise whether any hide has been injured, any justice before whom the dispute shall be brought, shall within forty-eight hours summon any five persons concerned in manufacturing leather, to whom or any three of them the dispute shall be referred, and who may hear and determine such dispute; and the party against whom such decision shall be, shall pay costs, to be ascertained by the justice. 39 and 40 *Geo. III. c.* 66, *s.* 12.—Persons duly summoned and not attending, to forfeit 40s. *s.* 13.

Penalties to be recovered before one justice, on

conviction by oath of one witness, or by confession; to be levied by distress, and in default, commitment to the house of correction for not exceeding one month, unless sooner paid. *s.* 16. half of the penalty to the informer, and half towards putting the act in execution, *viz.* by paying inspector of expenses. Any person misapplying the money, to forfeit double the amount, to be recovered as above. *s.* 14.—Witnesses summoned and not attending, to forfeit 40s. but not to travel more than six miles. 41 *Geo. III. c.* 53, *s.* 10.—Appeal allowed to the sessions if the penalty exceeds 10s. 39 and 40 *Geo. III. c.* 66, *s.* 17. and not removable by *certiorari.*

Information for gashing hides to be laid within three days, and for every other offence under the act within fourteen days. *s.* 18.

For regulations with regard to London, see acts 48 *Geo. III. c.* 71, by which act 1 *Jac. I. c.* 22, and 43 *Geo. III. c.* 106, are repealed.

By 12 *Geo. II. c.* 25, if a currier refuses to curry leather brought or sent to him, or shall neglect to curry the same within sixteen days between September 28 and March 25, and within eight days the remainder of the year, he shall on conviction before one justice, on oath of one witness, forfeit not exceeding £5. to be levied by distress, half to the informer and half to the poor; appeal allowed to the sessions. *s.* 4, 5, 6.

By 48 *Geo. III. c.* 60, no tanner to exercise the trade of a currier, leather cutter, &c.

For the duties on leather, and regulations respecting the manufacturing, &c. see 9 *Anne, c.* 11. and subsequent statutes.

LINEN CLOTH.

Any person affixing counterfeit stamps on foreign linen cloth, so as to resemble the stamps on Irish or Scotch linens, shall forfeit £5. for each piece; any person exposing or packing for sale any foreign linen, knowing it to be so stamped, to forfeit the linen and also £5. for each piece; and fixing a counterfeit stamp on any British or Irish linen, to sell the same as duly stamped, incurs the penalty of £5. for each piece; exposing or packing the same as such, the like penalty and forfeiture of the linen. 17 *Geo. II. c.* 30, *s.* 1.—One justice may convict, on the oath of one witness; penalty to be levied by distress, and in default commitment to gaol for six months. Penalty to be paid to the informer, deducting 2s. in the pound for constable who shall execute the warrant. *s.* 2.

Using devices whereby linen cloth shall be deceitfully made, incurs a forfeiture of the linen, one month's imprisonment, and such fine as the justices shall assess. 1 *Eliz. c.* 12, *s.* 1.

LORD'S DAY.

All persons, not having reasonable excuse, shall go to their parish church (or congregation allowed by the Toleration Act) every Sunday, on pain of forfeiting 1s. for each offence to the poor. 1 *Eliz.* c. 2, s. 14, 24. to be levied by distress by warrant of one justice. 3 *Jac.* c. 4, s. 27.

By 1 *Car.* c. 1, no person shall assemble out of their own parishes for any sport whatever on the Lord's Day; nor in their parishes shall use any bull or bear-baiting, interludes, plays, or other unlawful exercises or pastimes, under a penalty of 3s. 4d. to the poor, to be levied by the constable and churchwardens by distress; and in default of distress, the offender to be put in the stocks for three hours.

By 3 *Car.* c. 1, no carrier to travel with a cart or horse, nor drovers with cattle, on the Lord's Day, under a penalty of 20s. Butchers killing or selling victuals on a Sunday, to forfeit 6s. 8d. (See title "*Butcher.*") No drover, waggoner, &c. to travel on Sundays, under penalty of 20s. and no tradesman, artificer, or other person to exercise any trade or calling on the Lord's Day, (except works of necessity and charity; and by 9 *Anne*, c. 23, s. 20, except licensed hackney-coachmen,) on pain of every offender above fourteen years old, forfeiting 5s. selling or exposing to sale any wares, &c. (milk

and mackarel excepted), the like penalty; also if any persons travel with a boat, (except by license from a justice, and except the forty watermen plying on the Thames, by 11 and 12 *Wm. c.* 21, *s.* 13), they shall forfeit 5s. any person convicted within ten days after offence before one justice, on view, or by confession, or one witness, the justice may issue a warrant to seize the goods cried or exposed to sale, and sell the same, and levy the other penalty by distress, to the use of the poor; for want of distress the offender to be put in the stocks for two hours.—By 2 *Geo. III. c.* 15, fish carriages allowed to travel on Sundays. *s.* 7.

By 50 *Geo. III. c.* 73, and 55 *Geo. III. c.* 99, bread, meat, &c. to be baked within limited hours on Sundays. (See title "*Bread.*")

Killing game on a Sunday incurs for the first offence a penalty not exceeding £20. nor less than £10. for the second offence not more than £30. nor less than £20. and for the third and every other offence £50. to be recovered by indictment, or conviction before one justice on the oath of one witness. 13 *Geo. III. c.* 80.—Process served on the Lord's Day to be void. 29 *Car. II. c.* 7, *s.* 6. except for treason, felony, or breach of the peace, and except ecclesiastical process or citation. 1 *Ld. Raym.* 706.

A person may be arrested on a Sunday, on an attachment for a rescue. *Will. Rep.* 459. or under an escape warrant. 2 *Ld. Raym.* 1028. or if a

party wrongfully escaped, he may be re-taken without a warrant. 5 *T. R.* 25, and *Barnes*, 373.—No hundred shall be answerable for a robbery committed on the Lord's Day. 29 *Car. II. c.* 7, *s.* 5.

(For precedents of information, summons and warrant against a carrier for travelling on the Lord's Day, see title "*Carrier.*")

Justice's Precept for presentment of Profanation of the Lord's Day, &c.

To all and every the Churchwardens, Overseers of the Poor, Constables and Headboroughs of the parish of —— in the county of ——.

—— to wit. By virtue and in pursuance of the powers and authorities given to us whose names and seals are hereunto set and subscribed, being justices of our sovereign Lord the King assigned to keep the peace in the county of ——, and also to hear and determine divers felonies, trespasses and other misdemeanors committed in the said county of ——; we do hereby require you, each and every of you personally to appear before us, or other of His Majesty's justices assigned to keep the peace in the said county, at a petty sessions appointed to be held for this division, previous to the next general quarter sessions at —— in the county aforesaid on the —— day of —— 1817, at the hour of —— in the forenoon, then and there to answer to your names severally; and to present all public nuisances and annoyances which you shall know within your said parish; all and every person who profanes the Lord's day, either by gaming, sporting, or tippling in public houses; or by using and exercising their several and respective trades, or ordinary calling; or any other act, matter and thing tending to encourage vice, lewdness, profaneness and immorality on that day: And for that purpose you are to make strict and diligent search throughout your said parish on the Sunday

immediately preceding the said petty sessions, and at all other proper and convenient times and seasons whereby offenders may be discovered, and your best endeavours used to discountenance and prevent the growing evil of profaning the Lord's day, which is now so much practised and that day abused. And you are to return to the said justices at their petty sessions, the names of all persons keeping disorderly houses, or common lodging houses for lewd persons in your parish; and all persons making, encouraging or occasioning any riots, routs or unlawful assemblies, whereby His Majesty's peace or the public tranquillity may be broken or disturbed; and all other matters or things presentable at this petty sessions which shall come to your knowledge, information and belief, to the end that the said justices may take such method and means in the premises as to law doth appertain; and hereof you or any of you are not to fail, on pain of being returned to the said quarter sessions for a contempt and misdemeanor.

Given under our hands and seals, at a public meeting of the justices held at —— in the division and county aforesaid, this —— day of ——, 1817.

J. C.
S. P.

LUNATICS.

Persons suspected of insanity may be committed by warrant of a justice, the cause of such commitment being expressed in the warrant; and such person cannot be bailed except by two justices (the committing justice being one), or by the quarter session, or one of the judges. 39 and 40 *Geo. III.* c. 94, *s.* 3.

By 17 *Geo. II.* c. 5, two justices may cause a dangerous lunatic to be apprehended and, if necessary, chained, and conveyed by a vagrant pass to his last legal settlement. *s.* 20. the expense

of his apprehension and conveyance to be paid out of the lunatic's effects; and if none, or not more than sufficient to maintain his family, then to be paid by the overseers of the parish to which he is legally chargeable, by order of two justices directed to the churchwardens and overseers. *Ibid.*

Persons who think themselves aggrieved may appeal to the next session, whose decision shall be final. *s.* 26. Nothing in this act shall restrain or prevent the lunatic from being taken care of by his friends, as it only extends to vagrant lunatics.

By 48 *Geo. III. c.* 96, for erecting asylums for lunatic paupers and criminals, the justices, as soon as the same are erected, may issue warrants to commit such lunatics to such places. *s.* 17. and make an order on the parish to which such lunatic is chargeable, for a reasonable sum, to be ascertained by the visiting justice, for the maintenance, medicine and cloathing of such lunatic, to be paid to the treasurer of the asylum.

Overseer neglecting to inform a justice of any insane person chargeable to the parish, or to make application for warrant against him, within seven days from the time of his knowledge of the insanity, to forfeit not more than £10. nor less than 40s. to be levied by distress, by warrant of two justices, on confession, or oath of one witness; half the penalty to the informer, and half to the treasurer of the asylum. *s.* 18.—If a lunatic's settlement is

unknown, the expense of removing him to the asylum and keeping, to be paid by the county treasurer where he was apprehended. *s.* 20.—Any officer, servant, &c. of asylum, discharging or permitting lunatic to escape or be abroad, without order of visiting justices, shall forfeit not more than £10. nor less than 40*s.* to be recovered as in *s.* 18.

In all cases where by virtue of the act 39 and 40 *Geo. III. c.* 94, any insane person shall be kept in custody, two justices may ascertain the legal settlement of such lunatic; and if he hath not sufficient property, to make order on the parish in which he is legally settled to pay a weekly sum for his maintenance in such place of custody as His Majesty shall appoint; and if such settlement cannot be found, the allowance to be paid by the treasurer of the county wherein he was apprehended; but if he hath sufficient property, then such justices may order the same to be applied to such lunatic's maintenance in the manner prescribed by 17 *Geo. II. c.* 5, *s.* 20. Parish officers of the place where such lunatic shall be adjudged to be settled, may appeal against the order to the general quarter sessions, giving reasonable notice to the clerk of the peace, who shall be respondent in such appeal.

By stat. 51 *Geo. III. c.* 37, the marriage of lunatics is declared void.

By 51 *Geo. III. c.* 79, to amend 48 *Geo. III. c.* 96, it is declared, that a justice may refuse to admit a lunatic into the asylum, stating his reasons

for so doing in writing to the overseer making the application. *s.* 1. persons aggrieved by such refusal may appeal to the quarter sessions on giving ten days notice, and determination of sessions to be final. *s.* 2.—Justices to make returns to the quarter sessions of all the cases brought before them, with their reasons for granting or refusing warrants to remove lunatics to the asylum. *s.* 3.

Overseers to produce, on their application to justices, a certificate from a medical man of the state and degree of lunacy of the person for whom they apply. *s.* 4.

On discharge of the lunatic, the expense of his removal to be borne by the parish to which he is chargeable, to be allowed by two justices. *s.* 6.

Illegitimate child born of lunatic in the asylum, to be settled where the mother was last legally settled. *s.* 7.

By 55 *Geo. III. c.* 46, to amend 48 *Geo. III.* it is enacted, that in cases where a lunatic asylum shall be erected, a committee of visiting justices shall be elected annually at the Michaelmas general quarter sessions. *s.* 1. and if such election is neglected, the same visiting justices to continue. *s.* 2. but subscribers to any asylum erected by voluntary contribution, who may unite with any county, may annually elect a committee of governors to act with the visiting justices. *s.* 3.

Justices of the peace may at their petty sessions issue their warrants to overseers to make a return

of all idiots and lunatics within their respective parishes, to be verified on oath, and accompanied with the certificate of a medical man as to the state and condition of such idiots or lunatics; any overseer neglecting to make such return, to be fined as by 36 *Geo. III.* for neglect of duty; such lists to be laid before the general quarter sessions. *s. 7.*

Two visiting justices may discharge lunatic on certificate of his recovery. *s. 9.*

Whenever it shall appear to the justices or the major part of them (not being less than seven) assembled at any general quarter sessions or general annual sessions, that such lunatic asylum can accommodate more lunatics than the paupers within the districts for which such asylum shall have been built, such justices may make order for the admission of so many lunatics as they shall think expedient, not being paupers or criminals, or being paupers but belonging to any other county or to any parish, &c. within the county by which such asylum shall have been built, which may be exempt from county rate of such county or counties, and which shall not have united with such county or counties, or contributed to the expense of such erection, under the following conditions, *viz.* No such lunatic to be admitted into the asylum without an order signed by one visiting justice, nor without a certificate of a medical man certifying the lunacy of such patient; nor without an undertaking

signed by two substantial householders, or the minister and one churchwarden or one overseer of the parish within which such lunatic shall reside at the time of application, for the due payment of the weekly allowance for the maintenance and care of such lunatic, as well as for the removal of such lunatic, within three days after due notice given in writing by the governor, &c. by the order of one or more visiting justices, under a penalty of £50. to be recovered and applied as penalties are directed by this or any other acts of parliament passed for building and maintaining asylums for reception of lunatic paupers; the weekly provision for lunatics (not being paupers) to be fixed by the visiting justices at such rate as shall be sufficient to cover every expense liable to be incurred on account of such patient; and that in no case such weekly provision shall be fixed at a less sum than a sum exceeding by one-third the weekly sum paid at such time by the parishes within such district for the maintenance of the patients belonging thereto, together with such extra charge for cloathing and medicine as may be incurred during the continuance of such patient in such asylum, under the sanction of the visiting justices thereof. *s.* 12.

Warrant to secure a Lunatic.

To the Constables, Churchwardens and Overseers of the Poor of the parish of ——, and to the Governor or Superintendant of the Lunatic Asylum at —— in the county of ——.

—— to wit. Whereas it hath been proved before us, J. C. and S. P. Esquires, two of the justices of our Lord the King assigned to keep the peace within the said county, upon the oath of A. B. and C. D. both of the parish of —— in the county aforesaid, gentlemen, that E. F. late of —— frequently goeth at large in the said parish of ——, and that he the said E. F. is by lunacy so far disordered in his senses that he is dangerous to be permitted to go abroad, and that his legal settlement is in the parish of ——; These are therefore to authorize and require you and every of you to cause the said E. F. to be apprehended and conveyed to the Lunatic Asylum at —— in the said county; And you the said governor or superintendant of the said Lunatic Asylum are required to receive the said E. F. and confine him in the said asylum so long as such lunacy or disorder shall continue and no longer; or until you shall be ordered by two of the visiting justices of the peace of the said asylum to discharge the said E. F.

Given under our hands &c.

J. C.
S. P.

Order to charge a Lunatic's Estate with his Keeping, Maintenance and Cure.

To the Churchwardens and Overseers of the Poor of the parish of —— in the county of ——.

—— to wit. Whereas E. F. late of —— in the said county, being a person lunatic and so far disordered in his senses that he was and is dangerous to be permitted to go abroad, hath by warrant under the hands and seals of us, two of His Majesty's justices of the peace for the said county, been apprehended

and sent to the Lunatic Asylum situate at —— in the said county; and whereas it appears unto us, on the oaths of G. H. churchwarden and H. I. overseer of the poor of ——, that they the said churchwarden and overseer have reasonably expended the sum of —— in removing the said E. F. to the said Lunatic Asylum, and in keeping, maintaining and curing him there; These are therefore to authorize and command you to seize and sell so much of the goods and chattels, and to receive so much of the annual rents of the lands and tenements of the said E. F. within your said parish, as shall be necessary to pay the same. And for what shall be so seized, sold or received by you, you are to account at the next quarter sessions of the peace to be holden for the said county.

Given under our hands and seals, &c.

J. C.
S. P.

MANUFACTURERS.

Persons contracting with or enticing manufacturers in wool, iron, steel, brass or any other metal; clockmaker, watchmaker or any other artificer or manufacturer of Great Britain to leave the kingdom, to forfeit £100. and be imprisoned three months; for the second offence to be fined at the discretion of the court, and be imprisoned twelve months and until such fine be paid. 5 *Geo. I. c.* 27, *s.* 1, 2. on complaint on oath before a justice that any person is endeavouring to seduce any such manufacturer, or that such manufacturer hath contracted or promised, or is preparing to leave the kingdom, such justice may issue his warrant to bring such person before him or some other justice; and if it appear on oath of one witness or by confession that such person

is guilty, he may be bound over to the next assizes or sessions to answer the premises; and if he shall be convicted on an indictment, he shall give security not to depart the kingdom, or be imprisoned till such security given. *s.* 4.

By 23 *Geo. II. c.* 13, enticing artificers to go into foreign countries incurs a penalty of £500. and imprisonment for twelve months and until fine be paid; for a second or subsequent offence £100. and imprisonment two years and until payment. *s.* 1, 2.

Putting on board vessels bound for foreign parts any tools or utensils of the silk or woollen manufactures, incurs a penalty of £200. and forfeiture of the tools. *s.* 3. captains permitting the same to forfeit £100. *s.* 6. Half the penalties to the King and half to the prosecutor. *s.* 7.

By 14 *Geo. III. c.* 71, putting on board vessels bound for foreign parts any tools, &c. used in the cotton or linen manufactures, incurs a penalty of £200. and forfeiture of the articles; a penalty of £200. on captains permitting the same. *s.* 1, 2.

By 21 *Geo. III. c.* 37, packing or putting on board any vessel not bound to any port in Great Britain or Ireland, any machine, engine, model, &c. proper for the woollen, cotton, silk or linen manufactures, one justice by warrant may seize the same, and may, if no satisfactory account be given, bind the party to the next assizes or quarter sessions, and on refusal may commit until the next assizes or quarter sessions.

By 22 *Geo. III. c.* 60, persons contracting with or persuading any artificer concerned in printing callicoes, cottons, muslins or linens, or in preparing any blocks, plates, engines, &c. to go out of the kingdom, shall forfeit £500. and be imprisoned twelve months: officer of any vessel conniving thereat to forfeit £500.

By 54 *Geo. III. c.* 40, the acts 5 *Eliz. c.* 4, and 1 *Jac. I. c.* 6, so far as empowers justices of the peace to rate wages or fix the prices for work done by artificers and others, are repealed.

By 56 *Geo. III. c.* 36, the acts 3 *Ed. IV.* and 1 *R. III. c.* 12, prohibiting the importation of wrought goods, are repealed.

See "*Combination* and *Servants*."

Warrant to apprehend an Artificer going to depart the Kingdom.

To the Constable of ——.

—— to wit. Whereas A. B. of —— in the said county, hath this day made oath before me S. P. Esq. one of His Majesty's justices of the peace in and for the said county, that C. D. of the parish of —— in the said county, hath contracted and is preparing to leave His Majesty's dominions, and to exercise his trade of a ——, and to teach the same to foreigners, contrary to the statute in that case made and provided; These are therefore in His Majesty's name to command you forthwith to apprehend the said C. D. and him bring before me or some other of His Majesty's justices of the peace for the said county, to answer the said complaint and further to be dealt with according to law.

Given under my hand and seal, &c.

S. P.

MEDICINES.

Selling medicines liable to duty without a license, incurs a penalty of £20. 42 *Geo. III. c.* 56, *s.* 8, 9.

Persons receiving from proprietors of medicines articles subject to duty, without labels denoting the duty, who shall not return the same within ten days, or within that time give information to the commissioners at Somerset Place, or deposit the same with the nearest stamp distributor, to forfeit £20. and persons vending or exposing to sale, or buying, receiving or keeping for sale any packet, &c. of medicine liable to duty, without labels affixed denoting the duty, to forfeit £10. for each packet, &c. *s.* 12. and persons fraudulently taking off the stamp after the same has been sold, and affixing them in order to be re-sold, or buying or selling any such stamp, shall forfeit £20. *s.* 13, 14, 15.—Notice of the place for making medicines to be given in writing to the next stamp office, under a penalty of £20. *s.* 19.

Penalties may be recovered either by action, or before any neighbouring justice, on complaint within six months, which justice may convict on the evidence of one witness, and levy the penalty by distress; and in default of distress, may imprison for three months, unless the penalty is sooner paid; but appeal is allowed to the next sessions, on giving security for the penalty and costs.—Wit-

nesses not appearing on being summoned, to forfeit 40s. to be recovered in like manner. If penalties are sued for in six months, half to the King and half to the prosecutor; but if after six months the whole to the King. *s.* 22, 24. No person to proceed before any justices for recovery of any fine, unless in the name of the Attorney-General, or some person appointed by the Commissioners of Stamps; and any justice may mitigate the penalty, but not to reduce it less than a fourth part, exclusive of the reasonable costs of the informer or officer, if demanded. 43 *Geo. III. c.* 73, *s.* 4, 5.

By 52 *Geo. III. c.* 150, any person, whether licensed or not, who shall sell or expose to sale, or keep for sale, or buy or receive any packet, &c. without a proper cover provided by the Commissioners of Stamps and affixed thereto, so as not to be opened without tearing such stamped cover, shall forfeit for every offence £10.

Victuallers, &c. not required to take out a license for selling any of the artificial waters mentioned in the schedule of this act, provided such waters are drank in the house, and sold with labels duly stamped.

Conviction under 43 Geo. III. c. 73.

—— to wit. Be it remembered, That on the —— day of ——, in the year of our Lord 1817, at —— in the county of ——, A. B. of —— was convicted before me S. P. Esq. one of His Majesty's justices of the peace for the said county, residing near the place where the offence was committed, for

that he the said A. B. did, contrary to the form of the statute in such case made and provided, [*here state the offence*]. And I do declare and adjudge that he the said A. B. hath forfeited the sum of —— of lawful money of Great Britain for the offence aforesaid, to be distributed as the law directs.

Given under my hand and seal, &c.

S. P.

(MILITARY. See "*Soldiers.*")

MILITIA, *(Regular.)*

By 42 *Geo. III. c.* 90, the chief of the former acts relative to the militia are repealed, except such part as relates to the City of London, the Tower Hamlets, the Stannaries and Cinque Ports. The regulations of this act and the various subsequent acts comprise the body of the laws concerning the regular militia (as distinguished from the local) but it is only necessary to notice such provisions of those acts as are more immediately connected with the duty of a justice of the peace. If he acts as a deputy-lieutenant, which he is authorized to do, being a justice, it will be necessary for him to consult the various statutes at large, or a more comprehensive digest of those acts than the nature of this work will permit.

The qualifications of deputy-lieutenants and other officers are generally as follow:

Deputy-lieutenant	£. 200	per annum.
Colonel	1000	ditto.
Lieutenant-colonel....	600	ditto.

Major	£.400	per annum.
Captain	200	ditto.
Lieutenant	50	ditto.
Ensign.....	20	ditto.

to be freehold, copyhold or customary estate for life, or for some long term of years; but being heir apparent of a person of double the above annual income equally qualifies for such respective rank. In some of the smaller counties in Wales, and in cities or towns which are counties within themselves, the qualifications are respectively lower. One moiety of the estates of deputy-lieutenants, colonels, lieutenant-colonels, majors and captains to be in the county in which they shall serve. *42 Geo. III. c. 90, s. 6.* Sub-division meetings to consist of two deputy-lieutenants, or one deputy-lieutenant and one justice of the peace. *42 Geo. III. c. 90, s. 21.*

The Provisions of the Mutiny Act are to extend to the raising of men by beat of drum for the militia, and to be put in force by all justices of the peace and others. *50 Geo. III. c. 24, s. 2.*

Constables to give notice to housekeepers to return names of occupiers between the ages of 18 and 45, in their houses, within 14 days; and if any such housekeeper shall omit to make such return, or omit any person liable to serve, or make a false return, he shall forfeit not exceeding £5. *42 Geo. III. c. 90, s. 26.*

If any constable or overseer be a quaker, two justices may appoint a deputy to execute the office.

s. 33. Persons endeavouring to prevail on constables to make false returns, incur a penalty of £50. and for refusing to tell them their own name or the names of their lodgers, £10. *s.* 31.

Any person aggrieved by the insertion of his name in the list, or in consequence of any person's name being omitted, may appeal to the sub-division meeting, whose decision shall be final; and any person wilfully neglecting to appeal within the time appointed, to forfeit not more than 20s. nor less than 5s. and on non-payment to be imprisoned a week. 43 *Geo. III. c.* 50, *s.* 13. If sub-division clerk do not transmit to the clerk of the general meetings copies of the rolls, or if he makes a false return, he shall forfeit £20. 42 *Geo. III. c.* 90, *s.* 36.

If a private militia-man is provided by a parish in the room of one appointed a non-commissioned officer or drummer, two deputy-lieutenants may certify the same to the next quarter sessions, when the justices are to order a sum, not exceeding the average price of a substitute, to be paid out of the county rates to the parish officers of the place finding the man to supply the vacancy, whether he serve personally or by substitute. 42 *Geo. III. c.* 90, *s.* 58. If a parish lie in two or more counties, the inhabitants are to serve in that where the church stands. *c.* 90.

Persons exempt from militia are as follow:

Peers, commissioned officers of His Majesty's

other forces, castles or forts; officers on half pay (provided they have offered to serve in the militia or volunteers, or are incapable); commissioned officers serving or who have served four years in the militia; resident members of either of the Universities; clergymen; teachers licensed where place of meeting shall have been duly registered within twelve months previous to the general militia meeting appointed to meet in October; constables or other peace officers; articled clerks; apprentices; seamen or sea-faring men; persons mustered, trained, or doing duty or employed in His Majesty's docks, the Tower of London, Woolwich Warren, the General Depot, Portsmouth, or at the powder mills, magazines, &c. belonging to His Majesty; persons free of the Company of Watermen of the river Thames; poor men having more than one child born in wedlock; persons serving or having served in the army of reserve, (43 Geo. III. c. 123.) *and effective volunteers.* 42 *Geo. III. c.* 90, *s.* 43. 52 *Geo. III. c.* 38, *s.* 39.

Persons fraudulently binding themselves apprentice to avoid serving, on conviction may be compelled to serve, and the master is to forfeit £10. 42 *Geo. III. c.* 90, *s.* 49.

Any person chosen by ballot, (not being a quaker) refusing or neglecting to appear and take the oath, or provide a substitute, to forfeit £20. 49 *Geo. III. c.* 53, *s.* 13. and the person is liable to serve again at the expiration of five years; if the penalty not paid,

the ballotted man is compelled to serve. 42 *Geo. III. c.* 90, *s.* 45.

Substitutes or volunteers who do not appear to be sworn, having received money for that purpose, are to return the bounty, or be liable to forfeit not less than 20*s.* nor more than 40*s.* at the discretion of a deputy-lieutenant or justice; and if penalty not paid, the offender to be committed to prison for fourteen days. 42 *Geo. III. c.* 90, *s.* 62.

If a ballotted man has engaged a substitute, or a parish have agreed with a volunteer for a sum to be paid for his service, two deputy-lieutenants or one justice, when the militia is *not* embodied, may order such sum to be paid immediately; and if embodied, then to be paid not exceeding one half to the substitute and the other to the clerk of subdivision, who is to remit it to the paymaster; if the man do not join, or should not be approved, the money is to be applied to the use of some other substitute in lieu of the man rejected; if clerk do not remit the money for one week, he is to forfeit £20. *s.* 63.

Persons ballotted are to serve though they have removed from the place where their names were returned. *Ibid.*

If a quaker be ballotted, two deputy-lieutenants may hire a substitute, and levy by distress and sale the sum necessary to pay the expenses; but if no distress, and the quaker is of ability to pay £10. they may commit him for three

months, or until he has paid the sum agreed to be given to the substitute. 42 *Geo. III. c.* 90, *s.* 50. When any rate is made for providing volunteers, and a quaker refuses to pay his part, a justice of the peace may order costs for levying the same not exceeding 10*s.* on each quaker, if no more than two; and if above two, then not exceeding 5*s.* on each. *s.* 51.

The enrolment of servants is not to vacate their contracts, unless the militia is embodied, or the servant leave his master for annual exercise without returning. If any dispute arise respecting his wages, not exceeding £20. a justice of the peace may determine it, and levy the same by distress. *s.* 61.

Any constable, adjutant, quarter-master or serjeant concerned in insuring for providing substitutes, to forfeit £50. 43 *Geo. III. c.* 50, *s.* 15.

A militia-man offering to enlist and denying that he is a militia-man, on conviction on oath of one witness before a justice of the peace, shall be committed to prison for six months, besides any other penalty or punishment to which he is liable; and officers who knowingly enlist a militia-man are to forfeit £20. soldiers in other forces offering themselves substitutes, incur a penalty of £10. and imprisonment for three months. 42 *Geo. III. c.* 90, *s.* 65.

One justice, or mayor of a town may order relief to a militia-man falling sick on his march to the

place of annual exercise; such money to be paid by parish officers, and reimbursed to them by the treasurer of the county. 42 *Geo. III. c.* 90, *s.* 93. and any justice may order carriages to be provided for conveyance of the baggage of any regiment of militia for one day's journey and no more. *s.* 95.

Militia-men not appearing at the time and place appointed for exercise (not being incapacitated) shall be deemed deserters; and if not taken till after the time of exercise, are to pay £20. those who are absent during the time of exercising, are to pay a like penalty; and if the same not paid, the justice before whom the conviction takes place to commit the offender to Bridewell for six months or until penalty paid. 42 *Geo. III. c.* 90, *s.* 99.

Persons suspected to be deserters may be apprehended by a constable and brought before a justice, who on proof of the fact may commit them to the county gaol, or to the Savoy if taken in London or Westminster. 48 *Geo. III. c.* 62, *s.* 9.

Any person apprehending a deserter is entitled to a reward of 20*s.* by warrant from a justice of the peace directed to the collector of land tax of the town, &c. where any deserter shall be committed. 56 *Geo. III. c.* 10, *s.* 116. and if any person harbour, conceal or assist a deserter, knowing him to be such, he shall forfeit £5.

Militia-man pawning his arms or accoutrements shall forfeit £3. and if not paid, may be imprisoned

three months. 42 *Geo. III. c.* 90, *s.* 101. persons knowingly buying or taking in exchange any militia arms, clothes or accoutrements, to forfeit £10. and if not paid, and no distress can be had for the same, the justice may commit the offender to prison for six months, or cause him to be publicly or privately whipped. *Ibid. s.* 102.

If any person not possessed of property to the amount of £500. who shall make oath of the same, shall be chosen by ballot for any place, where the militia *is drawn* or *ordered out for actual service*, the churchwardens and overseers on receiving an order from two deputy-lieutenants, are to pay to the person so chosen (*i. e.* so chosen subsequently to the date of the King's warrant) any sum not exceeding one half of the current price paid for a volunteer or substitute; which sum is to be paid out of the rate made for the providing substitutes, or if none, then out of a rate to be made similar to the poors' rate. 42 *Geo. III. c.* 90, *s.* 122. but no person ballotted and receiving ten guineas under 49 *Geo. III. c.* 53. to be entitled to this allowance.

If any churchwarden or overseer refuse or neglect to pay this money on demand and production of an order, he shall forfeit £10. half to the person ballotted, in lieu or in part of the sum ordered to be paid him; but if any man serving for himself be disapproved of and discharged within one month after enrolment, the money is not to be paid to him but to the next person ballotted in his stead;

and if any substitute is so disapproved of and discharged, the money shall not be paid to the principal, unless he serve himself or find an approved substitute. *Ibid.*

The commandants of corps, during the militia being on actual service, are to transmit to the magistrates at every quarter sessions, certificates of vacancies to be filled up, and the magistrates are to assess £10. for each private so certified deficient; and if at the next succeeding quarter sessions any vacancies still remain, a further penalty of £10. is to be levied, and so on until the deficiencies are all filled up. 43 *Geo. III. c.* 50, *s.* 4.

If militia-men in actual service leave families, the overseers of the poor where such families dwell, are to pay them, by order of a justice of the peace, a weekly allowance according to the ordinary price of labour in husbandry within the county wherein such family shall reside, *viz.* the price of one day's labour, and not less than 1s. for each child under ten years of age. 43 *Geo. III. c.* 47, *s.* 2. It is customary in Middlesex and some of the adjoining counties to order 2s. 6d. a week to the wife, and 2s. for each child; though some justices order 6d. less to each; but the justices at any Michaelmas quarter sessions may regulate the allowances to be paid. 43 *Geo. III. c.* 47, *s.* 2, 3. and these allowances to the families of substitutes are extended to the families of volunteers raised to supply the places of those who have entered into the regular forces,

(prior to the 11th of April, 1811,) 49 *Geo. III. c.* 53, *s.* 3, 6. but no allowance to be made to the families of militia-men raised as *substitutes, hired men or volunteers, after the 11th of April,* 1811; such allowance being confined to the families of ballotted men only. 51 *Geo. III. c.* 20, *s.* 20.

Volunteering to serve in Ireland shall not deprive militia-men *enrolled before* the 11th of April, 1811, or their families, from receiving the allowances. 51 *Geo. III. c.* 20. *s.* 1.

No allowance to be made until the militia-man joins his corps, nor for any longer period than he remains in actual service; nor to any wife who follows the corps, or leaves her child or children, or her home, unless under a certificate of a justice, or the overseers of the parish in which such relief is given, authorizing such departure. 43 *Geo. III. c.* 47, *s.* 4. but if she follows the regiment, or leaves her home and returns, she is entitled to resume the allowance, 53 *Geo. III. c.* 81, *s.* 1.

Nor is the allowance to be made to the family of a substitute, who at the time of enrolment falsely and fraudulently declared that he had no wife or family; nor to any substitute, hired man or volunteer having more than one child at the time of enrolment, who shall fraudulently and falsely declare that he had only one child: if, however, he make provision for his other children to the satisfaction of any justice to whom any application shall be made for relief, such justice may order the allowance for the

wife and one child under ten years old. 43 *Geo III. c.* 47, *s.* 5. No allowance to be made to the family of a non-commissioned officer reduced to the ranks for misconduct, nor to the family of any substitute, hired man or volunteer who shall marry after being called out to actual service, unless such marriage is with the consent of the commanding officer, certified under his hand. 43 *Geo. III. c.* 47, *s.* 6, 7. Militia-men's families not to be sent to any workhouse by reason of receiving the allowance, nor be deprived of their legal settlement elsewhere. *s.* 8. but if the allowance proves insufficient and the parish is burthened to a greater extent, there is nothing in this act to prevent their being removed as other paupers to their last legal settlement.

Allowances to the families of non-commissioned officers and drummers to be repaid to the overseers by the treasurer of the county in which the family is relieved; and if the regiment belongs to another county, the treasurer of the former to be reimbursed by the latter. *Ibid. s.* 9.

If a militia-man's family reside in a different county than that for which he serves, a justice may make an order on the overseers of the parish for which he serves, to reimburse overseers who advance the allowance. *s.* 14. but if by reason of the distance, overseers entitled to the re-payment of such allowances, cannot conveniently receive it, the treasurer of the county where such allowance is paid, shall upon the production of an order and

certificate reimburse it to the overseers demanding the same. *s.* 15. treasurers so reimbursing are to transmit an account signed by a justice to the treasurer of the county or place for which the man serves, who shall repay the same. *s.* 16. and treasurer repaying such allowances to another treasurer, is to transmit the signed account to the justices at the next quarter sessions, who are to make orders for the overseers of the respective parishes for which the men serve, to pay the same to the treasurer of the county within fourteen days after notice. *s.* 17. All accounts for allowances to be made up every six months, and signed by justices granting the certificate, or some others of the same county within one month. *s.* 21.

If more than a wife and three children become chargeable, the overseers of the parish for which the husband serves or in which the family resides, may provide another fit and able man between 18 and 35 years old, having no wife, or child under 10 years old, to serve in the stead of the man with a family. *s.* 22.

If any overseer shall neglect to pay the money ordered by a justice, he shall forfeit £5. which may be levied by distress. *s.* 23. but if any person feel aggrieved by the order of a justice for payment of any sums, he may appeal to the next quarter sessions. *s.* 26.

No serjeant, corporal, drummer or private shall be compelled to serve as a peace or parish officer, or

to perform statute duty on the highway. 42 *Geo. III. c.* 90, *s.* 174.

Married militia-men may set up trades in any place in Great Britain, the same as soldiers, by virtue of 24 *Geo. III. c.* 6. *Ibid.* 175. and are not removable till actually chargeable. 3 *T. R.* 134.

The deputy-lieutenants may issue orders for the attendance of constables or other parish officers, and if they neglect to appear, or any chief constable or other officer do not return lists, or are guilty of fraud, partiality or neglect, may be committed to gaol for one month, or be fined not exceeding £20. nor less than 40s. at the discretion of the deputy-lieutenants. 42 *Geo. III. c.* 90, *s.* 32.

Lord-lieutenants, deputy-lieutenants and justices of the peace are authorized to administer oaths in all matters respecting the militia laws. 42 *Geo. III. c.* 90, *s.* 67.

All fines, &c. not exceeding £20. may be recovered before one justice, on proof on oath, and are to be levied by distress; and for want of distress, in cases where no particular time is limited, the justice may commit to gaol for not exceeding three months; such fines, unless otherwise directed, to be paid to the clerk, or if no clerk, to the commanding officer of the corps. 42 *Geo. III. c.* 90, *s.* 176. 49 *Geo. III. c.* 53, *s.* 41, 42. 53 *Geo. III. c.* 96, *s.* 17.

If any witness neglect to appear when summoned, the justice or deputy-lieutenant may fine him not exceeding £5. 49 *Geo. III. c.* 53, *s.* 42.

No order or conviction to be removed by *certiorari*. 42 *Geo. III. c.* 90, *s.* 177. and in actions brought against justices on account of any conviction, levying any penalty, &c. the plaintiff shall only recover 2d. damages, and no costs unless it is proved to have been done maliciously. 43 *Geo. III. c.* 141, *s.* 1.

By 54 *Geo. III. c.* 189, and 55 *Geo. III. c.* 165, the pay, cloathing, and contingent expenses of the disembodied militia are regulated.

By 55 *Geo. III. c.* 65, relief to be given to the families of non-commissioned officers and drummers employed in the recruiting service, by overseers of the poor, in the same manner as if their corps were embodied; to be calculated from the 14th of April, 1815, and continued during such employment in the recruiting service. *s.* 7.

Precept to the High Constable for ordering Lists to be returned, and Constable's Warrant thereon.

To W. S. Gentleman, High Constable of the Hundred of —— in the county of ——.

—— to wit. We, J. C. and S. P. Esquires, two of His Majesty's deputy-lieutenants for the county aforesaid, at our general meeting for that purpose assembled, do hereby require you to issue out your warrants to the several petty constables within your said hundred, according to the form hereon indorsed.

Given under our hands and seals, the —— day of ——, in the year of our Lord 1817.

J. C.
S. P.

Form of the said Warrant indorsed.

To the Constable of ——.

—— to wit. By virtue of an order from the deputy-lieutenants in and for the said county, at their general meeting for that purpose assembled unto me directed, you are hereby required to make out a fair and true list in writing, of all men usually and at this time dwelling within your constablewick, between the ages of eighteen and forty-five years, distinguishing therein their ranks and occupations, and which of the said persons labour under any infirmities likely to incapacitate them from serving as militia-men; and also which of them [*if any*] is an officer or private man serving in His Majesty's other forces, or a commissioned officer serving or who has served for four years in the militia, or a private man serving or who has served in the militia by himself or substitute for five years or until legally discharged, or a member of either of the universities, clergyman, licensed teacher of any separate congregation, constable or other peace officer, articled clerk, apprentice, seaman, or sea-faring man, or poor man who has two children born in wedlock; which list, so fairly and truly made as aforesaid, you are hereby required to return upon oath to the deputy-lieutenants and justices of the peace for the said county, at their meeting for that purpose, to be held on the —— day of —— next ensuing the date hereof, at —— in the said county; And you are hereby further required to affix a true copy of the said list so to be made out as aforesaid, on the door of the church or chapel belonging to your respective parish, township, or place; and if such place hath no church or chapel belonging thereto, then on the door of the church or chapel of some parish or place thereto adjoining, on some Sunday morning, which shall be three days at the least before the said —— day of ——; and also you are to affix notice in writing at the bottom of the said list of the day and place of the said meeting, and that all persons who shall think themselves aggrieved may then appeal, and that no appeal will be afterwards received. Herein fail you not.

Given under my hand the —— day of ——, in the year of our Lord 1817.

W. S. High Constable of ——.

Notice and List to be returned.

To A. B.

—— to wit. Take notice that you are hereby required within fourteen days from the date hereof to prepare or produce a list in writing, to the best of your belief, of the Christian and surname of each and every man resident in your dwelling-house, between the ages of eighteen and forty-five, distinguishing every person in your dwelling-house of such age as aforesaid claiming to be exempt from serving in the militia, together with the ground of every such claim of exemption; and you are to sign such list with your own name, and to deliver or cause the same to be delivered to me.

Dated this —— day of —— 1817.

C. D. Constable of ——.

N. B. If a house is divided in distinct stories or apartments occupied distinctly, each distinct occupier is required to make this return. Neglect of compliance with this notice will subject the party to the penalty of £10.

Summons to Housekeeper for not returning a true List of Persons liable to serve in the Militia.

To A. B. of the parish of —— in the county of ——.

—— to wit. Whereas complaint and information hath been made before me one of His Majesty's justices of the peace for the said county, by C. D. constable of the said parish, that you have neglected, after due notice given to you for that purpose, to return to him a true list in writing, of the Christian and surname of every man resident in your dwelling-house, between the ages of eighteen and forty-five, in order that he might insert them in his list of persons liable to serve in the militia of the said county, whereby you have incurred a penalty of ten pounds. These are therefore to require you personally to appear before me or such other of His Majesty's justices of the peace as shall be present at —— in the said county, on —— the —— day of —— at —— o'clock in the ——noon, then and there to answer to the said complaint and

information made by the said C. D. who is likewise directed to be present to make good the same, and to shew cause why the said penalty, with all costs and charges, should not be levied on your goods and chattels by distress and sale thereof, pursuant to the statute.

Given under my hand this —— day of ——, 1817.

S. P.

Precept to the High Constable to issue a Warrant to Petty Constable to give Notice of the Number of Men appointed to serve &c.

To W. S. Gentleman, High Constable of the hundred of —— in the county of ——.

—— to wit. We, J. C. and S. P. Esqs. deputy-lieutenants (and J. B. Doctor in Divinity, justice of the peace, *in case only one deputy-lieutenant be present*), in and for the said county, at our sub-division meeting assembled for proportioning the number of private militia-men to serve for each parish, tithing or place within the said hundred, do hereby require you to give notice to the several petty constables within your said hundred, of the number of men appointed by us to serve for the several parishes, tithings or places within their respective districts, according to the list hereunto annexed; and that our next sub-division meeting for causing the said men to be chosen by lot to serve in the said militia, will be at —— in —— in the said county, on the —— day of —— now next ensuing.

Given under our hands and seals, the —— day of ——, in the year of our Lord 1817.

J. C.
S. P.
J. B.

Warrant indorsed.

To the Constable of ——.

—— to wit. By virtue of an order from the deputy-lieutenants and justices of the peace for the said county, at their sub-division meeting for that purpose assembled, you are hereby required to give notice to the several persons within

your constablewick, liable to serve in the militia of the said county, that —— men are appointed to serve for the said township [or *if the lists of two or more townships are added together then say, that —— men are appointed to serve jointly for your said township, and for the township of —— in the said hundred*], and that the next sub-division meeting for causing the said men to be chosen by lot to serve in the said militia, will be at —— in —— in the said county, on the —— day of —— now next ensuing.

Given under my hand the —— day of ——, in the year of our Lord 1817.

S. P.

Notice to the Township to shew Cause against a Militia-man's Discharge.

To the Constable of —— in the county of ——.

—— to wit. By virtue of an order from His Majesty's deputy-lieutenants and justices of the peace in and for the said county, at their sub-division meeting for putting the laws in execution relating to the militia of the said county, you are hereby required forthwith to give notice to all persons within your constablewick liable to serve in the militia, that if any person or persons can shew just cause why E. F. now serving in the militia for the said constablewick should not be discharged and another man balloted in his place, they may appear at —— in the said county, on —— the —— day of ——, then and there to make their objections: And you are to appear at the same time and place to certify what you shall have done in the execution hereof.

Given under my hand the —— day of ——, in the year of our Lord 1817.

W. T.

Clerk of the sub-division meeting.

Precept to High Constable to issue his Warrant to Petty Constables, to give Notice to Persons chosen by Lot, to appear and take the Oaths and be enrolled, and Petty Constable's Warrant thereon.

To W. S. Gentleman, High Constable of the Hundred of —— in the county of ——.

—— to wit. We, J. C. and S. P. Esqs. deputy-lieutenants (and J. B. Doctor in Divinity, and the Rev. H. S. T. Clerk, two of His Majesty's justices of the peace in the said county, *in case only one deputy-lieutenant be present*), at our sub-division meeting for that purpose assembled, do hereby order and require you forthwith to issue your warrants to the several petty constables within your hundred, according to the form hereon indorsed.

Given under our hands and seals, the —— day of —— 1817.

J. C.
S. P.
J. B.
H. S. T.

Form of the said Warrant indorsed.

To the Constable of ——.

—— to wit. By virtue of an order from the deputy-lieutenants [*and justices of the peace, as the case may be*], in and for the said county, at their sub-division meeting for that purpose assembled, you are hereby directed and required to give notice to A. B. an inhabitant within your constablewick, chosen by lot at the said meeting to serve in the militia of the said county, that he do appear at —— in the said county, on —— the —— day of —— next, then and there to take the oath in that behalf required by law, and to be enrolled to serve in the militia of the said county, as a private militia-man, for the space of five years, or otherwise to provide a fit person (to be approved of by the deputy-lieutenants and justices of the peace that shall be then and there present) to serve as his substitute,

who shall take the said oath and be enrolled in manner aforesaid; which notice you are to give unto him, or to leave the same at his place of abode, at least seven days before the said —— day of —— next; and be you then and there to certify upon oath what you shall have done in the premises. Herein fail you not.

Given under my hand the —— day of ——, in the year of our Lord 1817.

Notice to be left at the Dwelling-house, where personal Notice cannot be given.

—— to wit. Notice is hereby given unto you, that you are chosen by lot to serve in the militia of this county of ——, and that you are personally to appear at —— in the said county, on —— the —— day of —— next, before the deputy-lieutenants and justices of the peace for the said county to be then and there assembled, to take the oath in that behalf required, and to be enrolled to serve in the militia of the said county as a private militia-man for the space of five years, or otherwise to provide a fit person (to be then and there approved by the said deputy-lieutenants and justices) who shall take the said oath, and be then and there enrolled as aforesaid.

Given under my hand the —— day of ——, in the year of our Lord 1817.

W. S.

Constable of ——.

Form of the Oath.

I, G. H. do make oath, that I am by trade a ——, and have been usually a resident in the parish of —— in the county of ——, that I am unmarried [or *have a wife living, as the case may be*], and that I have no children [or *only one child born in wedlock*], and that I have no rupture, nor ever was troubled with fits, and am no ways disabled by lameness or otherwise, but have the perfect use of my limbs; that I am not a seaman, or sea-faring man, or an apprentice, and that I

do not belong to His Majesty's navy, army, or marines, nor to any other corps of militia; as witness my hand at ——, the —— day of ——, 1817.

G. H.

Sworn before me, at ——,
this —— day of ——, 1817.
S. P.

Witness present,
A. B.

Information against a Militia-man for not appearing to be sworn and enrolled.—49 Geo. III. c. 53, s. 13.

—— to wit. The information and complaint of A. B. of —— in the said county, made upon oath before me S. P. Esq. one of His Majesty's justices of the peace in and for the said county, the —— day of ——, in the year of our Lord 1817, that C. D. late of &c. in the said county, yeoman, (not being one of the people called quakers,) hath been duly chosen by lot to serve as a private militia-man in the militia of the said county, and hath had due notice to appear before the deputy-lieutenants and justices of the peace in and for the said county at their sub-division meeting for that purpose assembled, to take the oath in that behalf required and to be enrolled to serve in the said militia as a private militia-man, or to provide a fit person to serve as his substitute; and that the said C. D. hath neglected to appear and take the said oath and to serve in the said militia, and hath also neglected to provide any fit person to serve as his substitute: Whereupon he the said A. B. prayeth that justice may be done against him the said C. D. for the said offence.

A. B.

Sworn before me the said justice,
S. P.

Summons thereupon.

To the Constable of ——.

—— to wit. Whereas complaint and information upon oath, hath been made unto me, S. P. Esq. one of His Majesty's justices of the peace in and for the said county, that A. B. late of —— in the county aforesaid, yeoman, (not being one of the

people called Quakers,) hath been duly chosen by lot to serve as a private militia-man in the militia of the said county, and hath had due notice to appear before the deputy-lieutenants and justices of the peace in and for the said county at their sub-division meeting for that purpose assembled, to take the oath in that behalf required and to be enrolled and serve in the said militia as a private militia-man, or to provide a fit person, to be approved by the said deputy-lieutenants and justices as aforesaid, to serve as his substitute; and that he the said A. B. hath neglected [or *refused*] to appear and take the said oath, and to serve in the said militia, and hath also neglected to provide any fit person to serve as his substitute:— These are therefore to require you forthwith to summon the said A. B. to appear before me at the house of ——, in —— in the said county, on —— the —— day of ——, at the hour of —— in the afternoon of the same day, to answer unto the said complaint, and to shew cause why the penalty of £20. should not be levied upon his goods and chattels for the said offence. Herein fail not.

Given under my hand and seal &c.

Warrant of Distress for the Penalty.

To the Constable of —— in the county of ——.

—— to wit. Whereas C. D. late of —— in the county aforesaid, yeoman (not being one of the people called quakers), is this day duly convicted upon oath before me S. P. Esq. one of His Majesty's justices of the peace in and for the said county, for that he the said C. D. having been duly chosen by lot to serve as a private militia-man in the militia of the said county, and after due notice given unto him to appear before the deputy-lieutenants and justices of the peace in and for the said county at their sub-division meeting for that purpose assembled, to take the oath in that behalf required and to be enrolled to serve in the said militia as a private militia-man, or to provide a fit person (to be approved of by the said deputy-lieutenants and justices as aforesaid) to serve as his substitute; hath neglected to take the said oath and to serve in the said militia, and also hath neglected to provide any fit person to serve as his substitute, whereby he the said C. D. hath forfeited

the sum of £20. These are therefore in His said Majesty's name to command you to levy the said sum by distress of the goods and chattels of him the said C. D. and if within the space of [*four*] days next after such distress by you taken, the said sum, together with reasonable charges of taking and keeping the said distress, shall not be paid, that then you do sell the said goods and chattels so by you distrained, and out of the money arising by such sale that you do pay the said sum of £20. to the said deputy-lieutenants and justices as aforesaid, or to such person as they shall appoint to receive the same, for the providing a substitute to serve for him the said C. D. and for the other purposes by law directed for the application thereof, rendering the overplus, if any shall be, on demand, unto him the said C. D. the reasonable charges of taking, keeping and selling the said distress being first deducted. And if sufficient distress cannot be found of the goods and chattels of him the said C. D. whereon to levy the said sum of £20. then that you certify the same to me, together with the return of this precept. Herein fail not.

Given under my hand and seal, this —— day of ——, in the year of our Lord 1817.

S. P.

Constable's Return of no Distress.

—— to wit. E. F. constable of —— in the said county, maketh oath before me S. P. Esq. one of His Majesty's justices of the peace for the said county, the —— day of ——, in the year 1817, that by virtue of my warrant to him directed, to levy the sum of £20. by distress and sale of the goods and chattels of C. D. late of —— in the county aforesaid, he the said constable hath made diligent search for such goods and chattels, and that he doth not know, nor can find, that the said C. D. hath any goods and chattels sufficient to answer the said distress.

E. F.

Sworn before me,
S. P.

Commitment for want of Distress.

To the Constable of —— in the county of ——, and to the Keeper of the Common Gaol at —— in the said county.

—— to wit. Whereas C. D. late of —— in the county aforesaid, yeoman (not being one of the people called quakers), was on the —— day of ——, 1817, duly convicted before me, one of His Majesty's justices of the peace in and for the said county, for that he having been duly chosen by lot to serve as a private militia-man in the militia of the said county, and after due notice given unto him to appear before the deputy-lieutenants and justices of the peace in and for the said county at their sub-division meeting for that purpose assembled, to take the oath in that behalf required and to be enrolled to serve in the said militia as a private militia-man, or to provide a fit person (to be approved of by the said deputy-lieutenants and justices as aforesaid) to serve as his substitute, did neglect to take the said oath, and to serve in the said militia, and also did neglect to provide any fit person to serve as his substitute, and thereupon did forfeit the sum of £20. And whereas on the said —— day of ——, in the year aforesaid, I did issue my warrant to the constable of ——, to levy the said sum of £20. by distress and sale of the goods and chattels of the said C. D. And whereas it duly appears unto me, as well on the oath of the said constable as otherwise, that he the said constable hath used his best endeavours to levy the said sum on the goods and chattels of the said C. D. as aforesaid, but that they are not sufficient to answer the said distress. These are therefore to command you the said constable of —— to apprehend the body of the said C. D. and him safely to convey to the common gaol aforesaid, and there deliver him to the said keeper thereof, together with this precept. And I do hereby command you the said keeper of the said common gaol to receive into your custody in the said common gaol, the said C. D. and him there safely to keep for the space of ——, and for so doing this shall be your sufficient warrant.

Given under my hand and seal, this —— day of ——, in the year of our Lord 1817.

S. P.

Notice to a Balloted Man to shew Cause why the Penalty for not appearing should not be levied.

Mr. A. B.

—— to wit. Notice is hereby given unto you, That you having been chosen to serve in the militia of the county of ——, and on being duly summoned have neglected or refused to attend and take the oath in that behalf required, and to be enrolled to serve in the militia of the said county as a private militia-man for the space of five years, or to provide a fit person to serve in your stead, who should take the oath in that behalf required and be enrolled accordingly; You are hereby required to appear at ——, on —— the —— day of ——, in the year of our Lord 1817, at —— o'clock in the ——noon, to shew cause why you should not be fined in the sum of £20. for such neglect or refusal.

Given under my hand, the —— day of ——, in the year of our Lord 1817,

C. D.
Constable of the parish of —— in the said county.

Order to pay half the Price of a Volunteer to a Man Balloted subsequently to the Date of His Majesty's Warrant for embodying the Corps.

To the Churchwardens and Overseers of the Poor of —— in the county of ——.

—— to wit. Whereas A. B. of your said parish of ——, hath before us, J. C. and S. P. Esquires, two of His Majesty's deputy-lieutenants acting in and for the hundred of —— in the said county, been chosen by lot to serve in the militia of the said county, now embodied and in actual service, and hath been sworn and enrolled personally to serve and hath served therein for the space of one month and upwards, and not been disapproved of or discharged [or *hath provided C. D. his substitute, who hath been duly sworn and enrolled to serve, and hath served therein for the space of one month and upwards,*

and hath not been disapproved of or discharged]: and it doth appear to us, upon the oath of the said A. B. that he is not possessed of an estate in lands, goods or money, of the clear value of £500. We do hereby order you, the said churchwardens and overseers of the said parish, to pay to the said A. B. the sum of ——, which we adjudge to be half the current price paid for a volunteer within the said county*, out of the rate made for volunteers within your said parish, and if there be no volunteers provided by you within your said parish, then that you pay the said sum of —— out of a rate to be made after the manner of the poor's rate; but you are to except out of the said rate all persons who have served five years by themselves or substitutes, or are now serving in the said militia.

Given under our hands and seals, the —— day of ——, in the year of our Lord 1817.

J. C.
S. P.

Certificate of Enrollment of a Substitute.

—— Sub-division.

—— to wit. These are to certify, that at a sub-division meeting of His Majesty's deputy-lieutenants and justices of the peace for the said county, held at ——, on —— the —— day of —— 1817, A. B. of —— in the said county, yeoman, was chosen by lot to serve in the —— militia, for the parish of —— in the said sub-division; and that on —— the —— day of —— 1817, C. D. of the parish of —— in the county of ——, yeoman, was sworn and enrolled to serve as his substitute, as appears by the rolls of the said sub-division.

W. T. Clerk to &c.

* If the corps were not drawn out and embodied by warrant dated *before* the drawing and enrolling of the militia-man, he is not entitled to this bounty.

Warrant of Distress for a Quaker's Substitute.

J. C. and S. P. Esquires, two of His Majesty's Deputy-lieutenants for the county of ——, to the High Constable of —— within the said county, and to the Petty Constable of —— in the said county, and to each and every of them.

—— to wit. Forasmuch as A. B. late of —— aforesaid, in the county aforesaid, yeoman, being one of the people called quakers, hath been duly chosen by lot to serve in the militia of the said county, and after due notice given unto him hath neglected to appear and to take the oath in that behalf required and to serve in the said militia, and hath also neglected to provide any fit person to serve for him as his substitute; and whereas we the said deputy-lieutenants and justices aforesaid have, upon as reasonable terms as might be, namely, for the sum of £——, provided and hired C. D. a fit person to serve in the said militia as the substitute of him the said A. B. We do therefore hereby require you to levy the said sum of £—— by distress and sale of the goods and chattels of him the said A. B. and to pay the same unto ——, for the use of him the said ——, rendering the overplus, if any shall be, unto him the said A. B. after deducting the charges of the said distress and sale. Herein fail you not.

Given under our hands and seals, the —— day of ——, in the year of our Lord 1817.

J. C.
S. P.

Commitment of a Quaker for want of sufficient Distress.

To the Constable of —— in the county of ——, and to the Keeper of the Common Gaol at —— in the said county.

—— to wit. Whereas A. B. late of —— in the county aforesaid, yeoman, being one of the people called quakers, was on the —— day of ——, in the year of our Lord 1817, duly convicted before us, J. C. and S. P. Esquires, two of His

Majesty's deputy-lieutenants in and for the said county, for that he the said A. B. having been duly chosen by lot to serve as a private militia-man in the militia of the said county, and after due notice given unto him hath neglected to appear and take the oath in that behalf required and to serve in the said militia, and also hath neglected to provide any fit person to serve for him as his substitute; And whereas we the said deputy-lieutenants have, upon as reasonable terms as might be, namely for the sum of £——, provided and hired a fit person to serve in the said militia as a substitute for him the said A. B. And whereas on the —— day of ——, in the year aforesaid, we did issue our warrant to the constable of —— to levy the said sum of £——, by distress and sale of the goods and chattels of him the said A. B. And whereas it duly appears to us, as well on the oath of the said constable as otherwise, that he the said constable hath used his best endeavours to levy the said sum on the goods and chattels of the said A. B. as aforesaid, and that the goods and chattels of him the said A. B. are not sufficient to answer the said distress: but nevertheless it doth appear satisfactorily to us, that he the said A. B. is of sufficient ability to pay the sum of £10. These are therefore to command you, the said constable of —— aforesaid, to apprehend the body of the said A. B. and him safely to convey to the common gaol at —— aforesaid in the county aforesaid, and there deliver him to the said keeper thereof, together with this precept; and we do hereby command you the said keeper of the said common gaol to receive into your custody in the same common gaol the said A. B. and him there safely to keep for the space of three months, or until he shall have paid the said sum of £——, agreed to be paid to such substitute as aforesaid. And for so doing this shall be your sufficient warrant.

Given under our hands and seals, the —— day of ——, in the year of our Lord 1817.

J. C.
S. P.

**Order of Maintenance for the Family of a ballotted Man, with reimbursement by another Parish.*

To the Overseers of the Poor of the parish of —— in the county of ——, and to the Overseers of the Poor of the parish of —— in the said county, and to each and every of them.

—— to wit. Whereas complaint upon oath hath been made unto me, one of His Majesty's justices of the peace in and for the said county, by A. B. now dwelling in the said parish of ——, wife of C. B. a private militia-man, serving in the militia of the said county in his own right as a ballotted man, which militia are now embodied and in actual service, and have been ordered to march; and that she is not able to support herself and E. her son, aged four years, and D. her daughter, aged two years. I do therefore hereby require you the overseers of the said parish of —— to pay unto the said A. B. the sum of —— weekly, for the support of her and the said children, being the usual and ordinary price of —— day's labour in husbandry in the said county, or forthwith shew cause to me to the contrary. And I do hereby further order and direct that the overseers of the said parish of —— in the said county shall and do, from time to time, reimburse the money hereby ordered to be paid to the said ——, on production of my certificate of this order.

Given under my hand and seal, the —— day of ——, 1817.

J. C.

If the man is serving for any other county than the one in which his family resides, the treasurer of the county will pay the allowance; the order will then run thus:—[*which said sum so to be paid as aforesaid, is to be reimbursed to you by the treasurer of the said county, who is hereby required to reimburse the same accordingly.*]

* This order not to be made till the man has joined his corps.

Affidavit of the Wife of a Militia-man, serving by Substitute, to enable her to get the Allowance.

—— to wit. A. B. of ——, maketh oath, That she is the wife of C. B. who is now actually serving and doing duty as a militia-man in the —— regiment of —— militia, as a substitute for C. D. of the parish of ——; that she was lawfully married to her said husband on the —— day of ——, in the parish church of ——, by whom she has —— child —— now living with her, under the age of ten years, *viz.* ——, and that she now resides in the parish of —— in the said county, and that she is in indigent circumstances and not of ability to support herself and her said child.

Sworn the —— day of ——, 1817, before me,

S. P.

**Order of Allowance to the Family of a Substitute.*

To the Overseers of the Poor of the parish of —— in the county of ——, and to each of them.

—— to wit. Whereas complaint upon oath hath been made unto me S. P. Esq. one of His Majesty's justices of the peace in and for the said county, by A. B. now dwelling in your said parish, wife of C. B. a private militia-man serving in the militia of the county of ——, as a substitute for C. D. of the parish of —— in the hundred of —— in the said county of ——, which militia is now embodied and called out into actual service; that the said C. B. hath left her and her child M. aged —— years, or thereabouts, now resident in your parish and unable to support themselves. I do therefore hereby order you the said overseers of the poor of the parish of —— aforesaid, out of the rates for the relief of the poor of the same parish, to pay unto the said A. B. the sum of —— shillings and —— pence weekly, for the support and maintenance of herself and child —— until you shall be otherwise ordered to with-hold the said allowance.

Given under my hand and seal, the —— day of ——, in the year of our Lord 1817.

S. P.

* This order not to be made till the man has joined his corps, nor to be granted to the family of any substitute or volunteer attested since the 11th of April, 1811.

**Order for Allowance where Substitute serves for a Parish in another County.*

To the Overseers of the Poor of the Parish of —— in the county of ——, and to every of them.

—— to wit. Whereas complaint upon oath hath been made unto me, one of His Majesty's justices of the peace in and for the said county, by A. B. now dwelling in your parish, wife of C. B. a private militia-man, serving in the militia of the county of —— as a substitute for C. D. of —— in the said county of ——, which militia are now embodied and in actual service, that she is not able to support herself and her child M. aged two years. And whereas the overseers of the poor of —— aforesaid, have been duly summoned by me to shew cause why relief should not be given to the said A. B. but have not shewn to me any sufficient cause; I do therefore hereby require you the said overseers of the poor of —— to pay unto the said A. B. the sum of —— weekly, for the support and maintenance of herself and child, until you shall be otherwise ordered to forbear the said allowance; which said weekly sum is to be reimbursed to you by the treasurer of the said county of ——, on your producing to him my certificate of this order; which said treasurer is required to transmit the said certificate, and an account of all monies so repaid by him, from time to time, quarterly, to the treasurer of the said county of ——, who shall forthwith reimburse the same to the said treasurer of the county of ——, and apply to the justices of the peace, at the next general quarter sessions for the county of ——, for the allowance of the said account, and for their order to the overseers of the poor of —— aforesaid, to make good the same to him the said treasurer out of their poor's rate.

Given under my hand and seal, this —— day of ——, in the year of our Lord 1817.

S. P.

* See note at the foot of last precedent.

**The like where Substitute serves for another Parish in the same County in which his Family resides.*

To the Overseers of the Poor of the parish of —— in the county of ——, and also to the Overseers of the Poor of the parish of —— in the same county.

—— to wit. Whereas complaint upon oath hath been made unto me S. P. Esq. one of His Majesty's justices of the peace in and for the said county, by A. B. the wife of C. B. a private militia-man, now serving in the —— battalion of militia in the said county, as a substitute for C. D. a ballotted man, for the parish of —— aforesaid, that she is not able to support herself and M. her child, aged two years: And whereas it hath been duly made appear to me the said justice that the said militia are now embodied and in actual service, and that the said militia-man's said wife and child dwell in your said parish of ——; I do hereby therefore require you the said overseers of the poor of the said parish of ——, or some or one of you, to pay and advance to the said A. B. the wife of the said C. B. weekly and every week from this present time, the sum of ——, for and towards the support and maintenance of the said A. B. and her child, until you shall be otherwise ordered to forbear the said allowance; and I do also require you the said overseers of the poor of the said parish of ——, or some or one of you, to pay and allow to the said A. B. for the benefit of herself and child, the sum of —— including what she hath already received of you in part, being at the rate of —— per week from the —— day of —— now last past (from which time the said militia have been embodied, and the said —— hath served therein), to the day of the date hereof. And I do also hereby require, order and direct you the said overseers of the poor of the said parish of ——, or some or one of you, to pay and reimburse to the said overseers of the poor of the parish of —— all such sum and sums of money as they or either of them shall pay to the said A. B. the wife of the said C. B. by virtue of this order, and which they or either of them have paid to her in part of the aforesaid sum of ——.

Given under my hand and seal, this —— day of ——, in the year of our Lord 1817.

S. P.

* See note at the foot of p. 528.

Order for the Allowance to the Family of a Non-commissioned Officer.

To the Overseers of the Poor of the parish of —— in the county of ——, and to the Treasurer of the said county, and each and every of them.

—— to wit. Whereas complaint upon oath hath been made unto me S. P. Esq. one of His Majesty's justices of the peace in and for the said county, by A. B. that she is the wife of C. B. who is now serving in the —— battalion of militia of the said county, as a serjeant [or *corporal, drummer, &c. as the case may be*], and that he has left her and three of her children, all born in wedlock and under the age of ten years, who are not able to support themselves; and whereas it hath been duly made appear to me the said justice, that the said militia are now embodied and in actual service, and that the said militia-man's said family dwell in your said parish of ——; I do hereby therefore require you the said overseers of the poor of the said parish of ——, or some or one of you, to pay and advance to the said A. B. the wife of the said C. B. weekly and every week from this present time, the sum of —— for and towards the support and maintenance of the said militia-man's family, until you shall be otherwise ordered to forbear the said allowance; and I do also require you, the said treasurer of the said county of ——, to repay and reimburse to the said overseers of the poor of the parish of ——, all such sum and sums of money as they or either of them shall pay to the said militia-man's said family by virtue of this order.

Given under my hand and seal, this —— day of ——, in the year of our Lord 1817.

S. P.

Order for Allowance to the Wife of a Militia-Man serving in Ireland.

To the Overseers of the Poor of the parish of —— in the county of ——, and to the Collectors of the Land Tax or Assessed Taxes payable to His Majesty in the said parish, and to each and every of them.

—— to wit. It appearing to me S. P. Esq. one of His Majesty's justices of the peace acting in and for the said county, upon the oath of A. B. the wife of C. B. that her said husband is a private in the militia of the said county, and is now with the regiment in actual service in Ireland, and that she hath two lawful children, under the age of ten years, now dwelling with her in the said parish of —— in the county of ——; These are therefore, pursuant to His Majesty's most gracious intention of making an additional allowance to the wives and families of such militia-men, to direct and authorize you the said overseers of the poor of the said parish of —— to allow and pay out of the rates made or to be made for the relief of the poor of your parish, to the said A. B. from the —— day of —— last, during so long time as her said husband shall continue in actual service in the said militia in Ireland, 2s. 8d. per week over and above the weekly sum now payable to her by virtue of any former order; the same being after the rate of 8d. *per* week for each of the said parties; and of which additional allowance you are to keep a separate and distinct account, and deliver the same quarterly, duly verified upon oath before a magistrate of the said county, to one of the collectors of the land or assessed taxes in the said parish, and which said allowance you the collectors of His Majesty's land tax or assessed taxes in the said parish of —— are forthwith, upon sight of this order, to reimburse to the said overseers, on their delivering to you such account thereof, so verified, taking a receipt for the same; which account and receipt will be taken and received for the amount thereof in cash, by the receiver-general of the county, on payment of the said land or assessed taxes charged upon the said parish of ——.

Given under my hand and seal, this —— day of ——, in the year of our Lord 1817.

S. P.

Justice's Certificate of making an Order on the County Treasurer.

To the Treasurer of the county of ——, and all others whom it may concern.

—— to wit. I, S. P. Esq. one of His Majesty's justices of the peace in and for the said county, do hereby certify that this present day I have executed an order upon the overseers of the poor of the parish of —— in the said county, to pay the sum of —— weekly, for the maintenance of A. B. the wife of C. B. a private militia-man in actual service in the militia of the county of ——, as a substitute for C. D. of the parish of —— in the said county.

Given under my hand and seal, the —— day of ——, in the year of our Lord 1817.

S. P.

The like on Overseers of another Parish.

To the Overseers of the parish of —— in the county of ——, and all whom it may concern.

—— to wit. I, S. P. Esq. one of His Majesty's justices of the peace in and for the said county, do hereby certify that this present day I have executed an order upon the overseers of the poor of —— in the said county, to pay the sum of —— weekly, for the maintenance of A. B. now dwelling in the said parish of ——, the wife of C. B. a private militia-man in actual service in the —— militia of the said county, as a substitute for C. D. of your parish; I do therefore hereby order and direct you from time to time to reimburse the overseers of the said parish of —— all such weekly sums as they shall pay and allow to the said A. B. in pursuance of the said order.

Given under my hand and seal, this —— day of ——, in the year of our Lord 1817.

S. P.

Account, Verification, and Order on the Treasurer of the County for Reimbursement of Money paid to a Militia-Man's Family.

To the Treasurer of the county of ——.

An account of the money paid to A. B. the wife of C. B. and his family, now serving as a substitute in the militia of the county of ——, for C. D. of the parish of —— in the said county of ——, by E. F. overseer of the poor of the parish of —— in the county of —— aforesaid.

	£.	s.	d.
To —— weeks pay to A. B. the wife of C. B. and his —— child——, serving as a substitute in the militia of the county of ——, at —— per week, from the —— day of ——, 1816, to the —— day of ——, 1817, paid in pursuance of an order under the hand and seal of S. P. Esq. one of His Majesty's justices of the peace in and for the county aforesaid, for that purpose directed.....			

—— to wit. I, S. P. Esq. one of His Majesty's justices of the peace in and for the county of ——, do hereby certify that E. F. overseer of the poor of the parish of ——, hath made oath before me that he hath actually paid the weekly allowance herein before-mentioned, amounting to the sum of £——, to the wife and family of the said C. B. in pursuance of the before-mentioned order to the overseers of the poor of the parish of —— aforesaid for that purpose directed, and dated the —— day of ——, 1817, which said militia were embodied and in actual service during the time for which the said allowance was made, and which sum you are hereby required to pay him.

Given under my hand the —— day of ——, 1817.

S. P.

Commitment of a Constable convicted before two Deputy-Lieutenants of neglect, fraud or partiality, under 42 Geo. III. c. 90, s. 32.

To all and every the Constables and other Peace Officers for the county of ——, and to the Keeper of ——, at —— in the said county.

—— to wit. These are in His Majesty's name to command you and every of you the said officers forthwith safely to convey and deliver into the custody of the keeper of ——, at —— in the said county, the body of A. B. constable of the —— of —— in the county aforesaid, convicted before us, J. C. and S. P. Esquires, two of His Majesty's deputy-lieutenants [or *as the case may be*], in and for the said county, for that [*set forth the offence*]. And you the said keeper are hereby required, pursuant to the directions of the act passed in the 42nd year of the reign of His Majesty King George the Third, intituled "An Act for amending the Laws relating to the Militia in England and for augmenting the Militia," to receive the said A. B. into your said prison, and him there safely to keep for the space of one month from the date hereof, and for so doing this shall be your sufficient warrant and authority.

Given under our hands and seals, the —— day of ——, 1817.

J. C.

S. P.

MILITIA *(Local.)*

The General Local-Milita Act, 52 *Geo. III.* c. 38, repeals 48 *Geo. III.* c. 111*th*, 49 *Geo. III.* c. 40, 82, and 129, and so much of 50 *Geo. III.* c. 25, as relates to the local militia.

The qualifications of officers are as follow:

Lieutenant-colonel.....	£.600 per annum.
Major.....	400 ditto.
Captain.....	150 ditto.

or being heir apparent to a person having double such annual income; and, unlike the regular militia, no part of the estate to qualify is required to be in the county for which the officer serves.

The powers of 42 *Geo. III. c.* 90. 46 *Geo. III. c.* 91, and 49 *Geo. III. c.* 82, and every other act relating to the militia, (except altered or repealed by the present act) are extended to and are re-enacted by this act. *s.* 21.

Persons neglecting to appeal within the time limited, to forfeit not exceeding £5. nor less than 20s. at the discretion of two or more deputy-lieutenants or justices of the peace; and on default of payment, be imprisoned not exceeding fourteen days. *s.* 24.

Constables or other parish officers when duly summoned by two deputy-lieutenants, or one deputy-lieutenant and one justice, by warrant under seal, may for disobedience be imprisoned in the common gaol for one month, or fined from 40s. to £20. at the discretion of such deputy-lieutenants or justices. *s.* 26. except quakers, for whom justices may provide a deputy. Deputy-lieutenants may appoint special constables for the purposes of this act, but they must be at least thirty years old. *s.* 25.

Clerks of sub-division meetings to transmit to the clerk of the general meetings copies of the militia roll, under penalty of £20. *s.* 30.

No person ballotted allowed to find a substitute. *s.* 35.

Parish officers may provide volunteers for any parish and give them a bounty, and raise such bounty by a rate; but it must be done by consent of a vestry. *s.* 36, 65. such bounty not to exceed £2. 2s. and the rate to be approved by a justice of the peace; any person refusing to pay such rate, may by warrant of a justice be distrained upon for the amount of the assessment; but appeal allowed to the next quarter sessions in the same manner as against an ordinary poors' rate.

The wives and families of local militia-men when called out, are entitled to the same allowances as the regular militia by 52 *Geo. III. c.* 38, *s.* 42.

Persons ballotted and not appearing to be enrolled, to be fined £30; if clear income does not amount to £200. the sum of £20; and if not amounting to £100. the sum of £10. such fines to exempt from being again ballotted for two years. *s.* 44. and the fine of £30. may be recovered before a justice of the peace in the same manner as any fine not exceeding £20. 53 *Geo. III. c.* 28, *s.* 12.

Quakers or united brethren not to serve, but if ballotted, to pay fine. 52 *Geo. III. c.* 38, *s.* 38. and if any rate made for providing volunteers, justices

may order payment of costs for levying by distress where quakers refuse to pay the rates. *s.* 53.

The contract of a servant enrolled shall not be vacated in consequence thereof unless called out in case of invasion; but a proportionate deduction in his wages shall be made; in case of dispute to be settled by a justice of the peace, if the sum in dispute does not exceed £20.; and if the sum awarded by the justice is not paid in seven days, it may be levied by distress. *s.* 62.

One justice may order relief to a local militia-man falling sick on his march; such relief to be repaid by the quarter-master of the regiment. *s.* 99.

Justices may impress carriages for local militia on its march; the rates to be paid for such carriages, &c. as follow:

For every waggon with 5 horses, or wain with 6 oxen, 1*s.* per mile.

Ditto with 4 oxen and 2 horses, 1*s.* per mile.

For every cart with 4 horses, 9d. per mile.

Local militia-man (unless incapacitated by sickness, &c.) not appearing at the time and place of exercise to be deemed a deserter, or having joined his regiment shall desert or absent himself during the hour of exercise, to forfeit £20. and if not paid, be committed to gaol to hard labour for not more than three months nor less than fourteen days, or until penalty paid. *s.* 105.

If any local militia-man sell, pawn, lose or wilfully damage his arms, cloaths, accoutrements or

ammunition, or neglect or refuse to return them in good order, he shall forfeit not exceeding £3. or shall be committed to the house of correction for not exceeding three months, or until penalty paid. *s.* 107. Persons buying local militia-man's arms, cloaths, &c. to forfeit £10. to be levied by distress; in default commitment to the common gaol for six months or until fine be paid, or may be publicly or privately whipped, at the discretion of the justice before whom the offender is convicted. *s.* 108.

Peace officer may cause non-commissioned officers or drummers, suspected to be deserters, to be apprehended and carried before a justice; and if found to be so, the offenders to be sent to gaol, there to remain till demanded by persons authorized; such gaolers to receive and confine such deserters, under penalty of 40*s.* and persons apprehending deserters to be paid 20*s.* under warrant of a justice, by the quarter-master, out of the contingent fund of the regiment. *s.* 121. but by 53 *Geo. III. c.* 28, such reward to be paid by the treasurer of the county to which such deserter belonged; and persons concealing or assisting deserters, to forfeit £5. 52 *Geo. III. c.* 38, *s.* 122.

Men not appearing or not obeying the orders of deputy-lieutenants to be deemed deserters; and if not taken before ballot completed, to forfeit £10. and be liable to be embodied. *s.* 140.

Every county, hundred, parish, &c. shall pay a fine of £15. for each man deficient at a certain

period; justices at the quarter sessions on certificate of such deficiency, may assess such fine; and if any such deficiency shall have arisen by the default of any particular parish, the justice may assess such parish for its own default. *s.* 162, 178.

All fines not exceeding £20. to be recovered before one justice, by distress; in default, commitment for not exceeding three months, unless some other time is specifically directed. *s.* 201. and where a fine is directed to be remitted to the subdivision clerk or agent-general, the justice, &c. by whom the same shall be imposed, shall transmit a certificate of the amount thereof to the Secretary at war.

Witnesses refusing or neglecting to attend, when summoned by a magistrate, to forfeit not exceeding £5. *s.* 203.

No order of conviction made by deputy-lieutenant or justice to be removed by *certiorari*. *s.* 205.

By 54 *Geo. III. c.* 19, and 55 *Geo. III. c.* 76, His Majesty is enabled to accept the services of the local militia out of their counties, under certain restrictions; and the pay and cloathing of the local militia is regulated by 55 *Geo. III. c.* 166.

By 56 *Geo. III. c.* 38, the balloting for the local militia is suspended so long as His Majesty shall by order of council deem expedient; and by 56 *Geo. III. c.* 48, provision is made for their pay and cloathing from March 25, 1816, to March 25, 1817.

Certificate of Fine to be sent by the Justice to the Secretary at War.

—— to wit. This is to certify that I [or we] S. P. one [or more] of His Majesty's justices of the peace [or *deputy-lieutenants, as the case is*], did, on the —— day of —— last past, levy upon C. D. the sum of £——, being the amount of the fine imposed [*state the offence*] in conformity to the —— clause of the act of 52 *Geo. III.* c. 38, and direct that the same should be remitted to the Bank of England, to be placed to the account of the agent general for local militia.

Dated this —— day of ——, 1817.

S. P. Deputy-Lieutenant
[or *Justice of the Peace*].

Conviction, under 52 Geo. III. c. 38, s. 204.

—— to wit. Be it remembered, That on the —— day of ——, in the year of our Lord 1817, at —— in the county of ——, A. B. was convicted before me, J. C. Esq. one of His Majesty's justices of the peace for the said county [or *us J. C. and S. P. Esquires, two &c.*] residing near the place where the offence was committed; for that the said A. B. on the —— day of —— now last past did, contrary to the form of the statute in that case made and provided [*state the offence against the act*], and I [or *we*] do declare and adjudge that the said A. B. hath forfeited the sum of £——.

Order for Justices of the Peace to provide Carriages.

To all and every His Majesty's Justices of the Peace for the county of —— [or *it may be addressed to one Justice by name*], by E. F. Lord Lieutenant of the county of —— [or *by G. H. Esq. Lieutenant-Colonel, Commandant of the —— Regiment of Local Militia*].

—— to wit. Whereas it is His Majesty's pleasure that the —— regiment of local Militia should be embodied at —— in the county of ——, on —— the —— day of —— next, to be trained and exercised for the space of —— days [or *for the*

suppression of riots and tumults, as the case may be], you are hereby required, pursuant to the act in that case made and provided, to issue out your warrants to the chief constables of hundreds, rapes, lathes, wapentakes or divisions within the said county of ——, or to the constables, tythingmen, headboroughs or other officers of the several parishes, tithings or places in the said county of ——, through [or *from or near*] which the said regiment is ordered to pass, on their route from —— to ——, requiring them to provide —— waggons, or other sufficient carriages to convey the arms, cloaths, accoutrements, ammunition and other stores belonging to the said regiment, with able men to draw such carriages from —— to ——, on —— the —— day of —— next.

Given under my hand and seal, &c.

(The other precedents necessary for the local militia are to be found under the regular militia.)

MILL.

If information shall be given on oath to any justice that there is good cause to suspect that any miller or person concerned in dressing flour doth mix up with any meal or flour any ingredient not the produce of the grain, such justice may himself or by warrant authorize any peace officer to enter the mill, shop, bakehouse, &c. and search in the day time; and if found, to seize any meal or flour deemed to have been adulterated, and all ingredients used or intended to have been used for the purpose of adulteration, and carry the same to some justice, who shall dispose of the same at his discretion. 31 *Geo. II. c.* 29, *s.* 29. and every miller, mealman, &c. in whose house, mill, &c. such

ingredients shall be found, which shall be adjudged by any justice to have been lodged there for the purpose of adulteration, shall on conviction by confession or oath of one witness forfeit not exceeding £10. nor less than 10s. unless he shall make it appear that the said mixture, &c. was not for the purpose of adulterating meal; and convicting justice may cause offender's name to be inserted in some newspaper published near the place where offence committed. *s.* 30. Any person wilfully obstructing or opposing search, or carrying away the mixture, &c. to forfeit not exceeding £5. nor less than 20s. *s.* 31. No miller to act as a justice under this act. *s.* 32.

One justice may summon offender, and if he does not appear or make reasonable excuse, such justice may issue a warrant to apprehend him for his appearance; or if he does not appear on notice given or left at his usual place of abode, or if he cannot be apprehended, the justice may hear and determine the complaint; if the penalty be not paid within 24 hours after conviction, the same may be levied by distress, and if such distress not redeemed in five days from the time of taking the same, the goods to be sold, and the overplus, after deducting costs, (to be ascertained by the justice) returned; in default of sufficient distress, the offender may be committed to gaol or house of correction for one calendar month, unless payment sooner

made. *s.* 34. All such penalties to go to the informer. *Ibid.*

By 36 *Geo. III. c.* 85, every miller or person keeping a mill for grinding corn, shall have true scales and weights in his mill; and any person appointed by 35 *Geo. III. c.* 102, (see "*Weights and Measures,*") to examine weights and balances, may examine the same, and proceed as by that act is directed; and every such miller in default thereof shall forfeit not exceeding 20*s.* and if the scales are false or weights deficient, or any person shall obstruct the examination, they shall be liable to the same penalties as persons committing the same offences under 35 *Geo. III. c.* 102, *s.* 1. and a miller refusing to weigh corn or the produce thereof if required, shall forfeit not exceeding 40*s.* *s.* 2.

A miller shall deliver the whole produce of corn when ground, under a penalty of 1*s.* for each bushel deficient, and treble the value of the deficiency. *s.* 3. and shall not take toll of corn, but money in lieu, unless with the consent of the owners, under a penalty of not exceeding £5. but not to extend to mills receiving toll by ancient usage.

Every miller shall put in a conspicuous place in his mill, a table of prices in money or amount of toll, under a penalty of 20*s.* *s.* 6.

All penalties may be recovered where the offence is committed, on confession, or upon oath of one witness, before one justice, who may levy the same

by distress; one half of the penalty to the informer, and the other to the poor. *s.* 8. and for want of distress, commitment to the house of correction for not exceeding one month.

Information to be laid within ten days; appeal allowed to the sessions on giving security for the penalty and costs; and no conviction to be removed by *certiorari*. *Ibid.*

Conviction, under 36 Geo. III. c. 85.

—— to wit. Be it remembered, That on the —— day of ——, in the year 1817, C. D. was upon the complaint of E. F. convicted before J. C. Esq. one of His Majesty's justices of the peace for the county of ——, in pursuance of an act passed in the 36th year of the reign of His Majesty King George the Third, for [*state the offence*].

Given under my hand and seal &c.

(MITTIMUS. See "*Commitment.*")

NEWSPAPERS AND PAMPHLETS.

Printing or exposing to sale any pamphlet or newspaper, (a pamphlet exceeding one sheet excepted), before the paper is stamped, incurs a penalty of £10. and full costs. 34 *Geo. III. c.* 72, and 44 *Geo. III. c.* 98, *s.* 105.

A printed copy of every pamphlet containing more than one sheet shall, within the bills of mortality, in six days after printing be brought to the head office; and the title, number of sheets and

duty shall be entered in a book, and the duty paid without the bills, it shall be brought within fourteen days to some head collector of stamp duties in like manner. *s.* 111. and if any such pamphlet shall be so printed or published, the duty not paid and title registered, and one copy stamped when required within the time so limited, the author, printer and publisher, and all persons concerned in printing and publishing the same, shall lose all property therein (but see 55 *Geo. III.* post) and shall also forfeit £20, and full costs. *s.* 112.

No person to sell or expose to sale any such pamphlet without the name and place of abode of some known person by or for whom it was printed or published, written or printed thereon, on pain of £20. *s.* 113.

Persons letting out newspapers to hire to forfeit £5. 29 *Geo. III. c.* 50, *s.* 9.

Two justices may hear and determine offences relative to newspapers and pamphlets, on complaint made within three months; may mitigate the penalty not lower than a fourth, besides costs, and may levy the penalty by distress and sale, if not redeemed in six days; and if goods cannot be found, the offender may be committed till paid. 10 *Anne, c.* 19, *s.* 120.

Any person convicted of selling newspapers or any book, pamphlet or paper deemed to be a newspaper, unstamped, may be committed by a justice, on conviction by confession or oath of one witness,

to the house of correction for not exceeding three months. 16 *Geo. II. c.* 26, *s.* 5. and any person printing or having newspapers unstamped, shall forfeit £20. over and above all other penalties. 38 *Geo. III. c.* 78, *s.* 18, 19.

Any person printing any seditious matter under pretence of its being extracted from foreign papers, shall, on conviction, be imprisoned for not exceeding twelve nor less than six months. *s.* 24.

All penalties by this act not exceeding £20. may be recovered before one justice and may be levied by distress, or in default the offender may be committed to gaol for not exceeding three months; half the penalty to the King and half to the informer, and no conviction or order removable by *certiorari*. *s.* 29, 30.

By 56 *Geo. III. c.* 185, the former stamp duties on advertisements, almanacks, newspapers, &c. are repealed, and new duties granted in lieu thereof; the powers, penalties, &c. of former acts to be in force with regard to the duties imposed by the present act, except where altered. *s.* 4. So much of the act 10 *Anne, c.* 19, which enacts that the author, &c. of any pamphlet shall lose his copy-right unless the duty shall be paid, is repealed. *s.* 5.

If any apprentice, journeyman or servant of any printer shall without his knowledge print at his press any almanack or calendar not duly stamped, any person may seize the offender and carry him

before a justice, who may on conviction, by confession or oath of one witness, commit such apprentice, &c. to the house of correction for any time not exceeding three calendar months. *s.* 8.

Newspapers to be stamped to denote the discount allowed, and the price of such newspapers to be printed thereon; and any person printing a newspaper without the price printed thereon, or selling the same at a greater price, shall forfeit £20. for each paper so printed or sold contrary to the meaning of this act. *s.* 10.

OATHS.

An oath taken on the Common Prayer, containing the epistles and gospels is good. 2 *Keb.* 314.

The stat. 15 *Geo. III. c.* 39, gives authority to justices to administer oaths where penalties are to be levied, or distresses made in pursuance of acts of parliament; and by 49 *Geo. III. c.* 65, they have power to administer oaths in questions relating to the revenues of customs.

A Jew should be sworn on the Old Testament. 2 *Keb.* 314. and they are allowed to put on their hats when sworn. 2 *Str.* 821. a Mahometan on the Koran. 2 *Str.* 1104. and a Gentoo according to the custom of his religion. 1 *Atk.* 21. It is immaterial what the particular opinions are of persons professing Christianity, as far as regards the taking of an oath; it is only necessary that they

believe the sanction of an oath, the existence of a Deity, and a future state of rewards and punishments. *Peakes, R.* 11. but a person having no idea of a God or a future state of retribution, cannot be admitted to take an oath. *Leach*, 482.

Two justices, by 1 *Geo. I. stat.* 2, *c.* 13, *s.* 10, 11, may summon any person suspected to be disaffected to the government, to take the oaths of allegiance, supremacy and abjuration; if such person neglect or refuse to appear, such refusal shall be certified to the next sessions; and if he neglects to appear there and take the oaths, he shall be adjudged a Popish recusant convict.

Persons administering or taking any oath to engage in any mutinous or seditious purpose, or to disturb the public peace, are adjudged guilty of felony, and may be transported for seven years. 37 *Geo. III. c.* 123, *s.* 1. and being compelled to take such oath is not an excuse, unless within four days the party gave information to a justice of the peace, secretary of state or privy council. *s.* 2. and persons aiding or causing such oaths to be administered, though not present, to be deemed guilty in like manner. *s.* 3.

The unlawfully administering, by any associated body of men, of an oath to any person purporting to bind him not to reveal or discover such unlawful combination or conspiracy, or any illegal act done by them, is declared felony within this statute, though the object of such association was a conspi-

racy to raise wages and make regulations in a certain trade, and not to stir up mutiny or sedition. R. *v.* G. *Marks*, 3 *E. Rep.* 157.

Any person who shall administer an oath to another, binding him to commit treason, murder or any felony punishable with death, shall be adjudged guilty of felony, and suffer death; and the person taking such oath (not being compelled) shall suffer transportation for life or such number of years as the court shall adjudge. 52 *Geo. III. c.* 104, *s.* 1. except information is given in 14 days (instead of four) as in 37 *Geo. III. c.* 123.

Any person aiding, &c. in such oaths, though not present, shall be deemed a principal and punished accordingly. *s.* 4.

OFFICE.

In cases where by 13 *Car. II. stat.* 2, *c.* 1, 5 *Geo. I. c.* 6, *s.* 1, 2, the sacrament is required to be taken by persons filling certain offices, a certificate of which is necessary, the following form may be used.

Certificate of having taken the Sacrament.

We, the minister and churchwardens of the parish of —— in the county of ——, do hereby certify that on Sunday the —— day of ——, in the year of our Lord 1817, in the parish church of —— aforesaid, immediately after divine service, D. E. of —— in the county aforesaid, did receive the

sacrament of the Lord's Supper, according to the usage of the Church of England.

Witness our hands the day and year above-written.

C. D. Minister.

E. F. } Churchwardens.
G. H. }

(ORCHARDS. See "*Wood.*")

PAWNBROKERS.

Pawnbroker to cause his Christian and surname and the word *Pawnbroker*, to be put in legible characters over the door of his shop or place used for carrying on his trade, under a penalty of £10. for every place made use of for one week without it; to be recovered by confession, or oath of one witness, to be levied by distress and sale by warrant of two justices; half the penalty to the informer and half to the poor; and in default of distress, commitment to the house of correction for not exceeding three calendar months nor less than fourteen days, unless the penalty and costs are sooner paid. 39 and 40 *Geo. III. c.* 99, *s.* 23, 26.

Pawnbrokers may take the following rates of interest:

For 2s. 6d. one half-penny for any time not exceeding one calendar month, and the same for every calendar month afterwards.

	£.	s.	d.		d.
If	0	5	0	.....	1
	0	7	6	.....	1½
	0	10	0	.....	2
	0	12	6	.....	2½
	0	15	0	.....	3
	0	17	6	.....	3½
	1	0	0	.....	4

and so on progressively and in proportion for any sum not exceeding 40s.

For every pledge on which shall have been lent any sum exceeding 40s. and not 42s.—8d.; and for every pledge upon which shall have been lent a sum exceeding 42s. and not exceeding £10. at the rate of 3d. for every 20s. by the calendar month, including the current month, and so in proportion for any fractional sum. 39 and 40 *Geo. III. c.* 99, *s.* 2. but in case any intermediate sum lent shall exceed 2s. 6d. and not 40s. the lender may take after the rate of 4d. for the loan of 20s. by the calendar month. *s.* 3. Farthings shall be given in exchange by the pawnbroker or abated. *s.* 4.

If party apply to redeem goods within seven days after the first month from the time of pawning, he may redeem the same without paying any thing for such seven days; if after the end of the first seven and before the end of the first fourteen days of the second month, he may redeem on paying the profit payable for one month, and the half of another; but if application made after the

end of fourteen days and before the end of the second month, the pawnbroker may take the profit of the second month; and the like regulation for every subsequent month. *s. b.*

Persons who shall take pawns whereon shall be lent any sum exceeding 5s. shall before the money is advanced, enter in a book a description of the goods and the money advanced, with the day of the month and year, the name of the person pawning the same, and the street and number of the house; if a lodger, to be designated by the letter *L.* and *H.* if a housekeeper, and the name and abode of the owner of the goods, according to the information of the person pawning the same; and if the sum lent shall not exceed 5s. such entry to be made within four hours after the goods pawned. Any pledge upon which shall be lent above 10s. shall be entered separately, and exceeding 10s. shall be numbered progressively, *viz.* the first pledge received in the month of September to be numbered No. 1, the second No. 2, and so on until the end of the month; the first pledge received in the next month shall be numbered in like manner, and so on throughout the year; and upon every note or memorandum of pledge upon which shall be lent above 10s. shall be written or printed the number of the entry of such pledge; the pawner to receive a note containing a description of the goods, the money lent, the date, name and abode of the pawner, &c. and the pawnbroker not to receive the

pledge unless such note is taken: such note not to be charged for if the money lent is less than 5s. if 5s. and less than 10s. pawnbroker to take a half-penny; if 10s. and under 20s. one penny; if 20s. and under £5. two pence; and if £5. or upwards, four pence. *s.* 6. and when goods redeemed pawnbroker shall indorse upon every duplicate the amount of the profit taken by him, and shall keep such duplicate for one year following. *s.* 7.

If any person pawns goods the property of another, one justice may grant a warrant to apprehend the offender, and on conviction, upon oath of one witness or by confession, he shall forfeit not more than £5. nor less than 20s. and also the value of the goods; if not paid, such justice may commit him to hard labour to the house of correction or other public prison, for not more than three months, unless the penalty is sooner paid; and if within three days before the expiration of the term of his commitment the penalty is not paid, the justice may cause such person to be publicly whipped. The forfeiture to be applied to satisfy the party injured; but if he declines accepting it, then to the poor of the parish. *s.* 8. and 30 *Geo. II. c.* 24.

Any person forging or counterfeiting a note or memorandum of articles pledged, or selling such note, knowing it to be forged, with intent to defraud, shall be imprisoned not exceeding three months; and any person to whom such note is offered, may

apprehend the party offering it, and take him before a justice. *s.* 9.

Any person offering goods to pawn under suspicious circumstances, or attempting to redeem pledges, having no right or title to do so, may be detained; and if he gives an unsatisfactory or false account, he may be taken before a justice, who may commit him for further examination; and if it appears that such goods were illegally obtained, &c. or the party attempting to redeem had no right, he may commit the offender to the house of correction, to be dealt with according to law. *s.* 10. and 30 *Geo. II. c.* 24, *s.* 7, 8.

Any person receiving in pawn goods in a state of manufacture, or linen, &c. put out to wash, shall, on conviction before one justice, or upon oath of one witness, or by confession, forfeit double the sum lent on the same, to be recovered as other penalties in this act. The penalty to the poor. *s.* 11.

The owner of goods of any manufacture or materials for manufacturing, or any other goods which shall be unlawfully pawned, on making oath before a justice that he has reason to suspect any person to have taken the same in pawn, may have a warrant to search for them; and if the occupier of the house, &c. where the same are suspected to be, refuse, on request, to permit the search, the peace officer may break open the door, &c. and if the goods are found, a justice, on proof, may order

them to be restored to the owner. *s.* 12, 13. and 30 *Geo. II. c.* 24, *s.* 9.

If any pawnbroker refuses to deliver back pledges upon which not more than £10. is lent, within one year after the pawning thereof, or one year and three months, as the case is, any such pawner, being the real owner, having tendered the money borrowed and interest, may apply to a justice of the peace, who, on due proof of the facts, may order the goods to be forthwith delivered to the pawner, and on refusal may commit the offender to the house of correction or some other public prison, until he shall deliver the said goods or make reasonable satisfaction. *s.* 14. and persons producing the note, to be deemed the owners. *s.* 15. and 30 *Geo. II. c.* 24, *s.* 10.

If a note is lost or mislaid or destroyed, the pawnbroker shall deliver a copy thereof to any person representing himself as the owner, with the form of an affidavit of the circumstances of the loss, &c. and the person verifying the truth before a justice, the pawnbroker shall suffer such person to redeem the goods, *s.* 16.—Pawned goods may be sold if not redeemed within a year and a day, (exclusive of the day on which they are pawned) where the sum lent shall be above 10*s.* and not exceeding £10. and must be sold by public auction, exposed to public view, and catalogues published, and advertisements of such sale, inserted in the newspapers, at least two days before the sale, under a pe-

nalty of not exceeding £10. nor less than 40s. to the owner. *s.* 17. but if the owner gives notice before the end of the year to the person having the goods in pawn, not to sell at the end of the year, such goods shall not be sold until three calendar months from the end of the year; and in the mean time the owner shall have liberty to redeem them. *s.* 19.

Pictures, prints, books, bronzes, statues, busts, carvings in ivory or marble, cameos, intaglios; musical, mathematical and philosophical instruments, to be sold by themselves four times only in a year, *viz.* the first Mondays in January, April, July and October yearly, and on the following days, under a penalty of not exceeding £5. nor less than 40s. to the owner. *s.* 18.

Pawnbrokers are to enter in a book the prices for which the goods are sold; and if the same are sold for more than 10s. or for more than due thereon, the overplus shall be paid to the person on whose account they were pawned, deducting the expenses of the sale; such person shall be permitted to inspect the entries, on paying 1d. provided the demand is made within three years after sale; and the pawnbroker refusing the inspection of his book to the party, or his legal representative, (if dead); or if the goods are sold for more money than entered, or not *bona fide* sold, or he shall refuse to pay the overplus, he shall forfeit £10. and treble the sum the goods are pawned for; to

be levied by distress by two justices where the offence is committed. *s.* 20. and 30 *Geo. II. c.* 24, *s.* 12.

Pawnbrokers shall not purchase any goods while under pawn, (except at public auction) nor shall suffer the same to be redeemed with an intention of purchasing, nor make any contract with the person pledging or offering to pledge the same for the purchase thereof before the end of one year from the time of pawning; nor shall take any pawn from any person who shall appear to be under the age of twelve years, or intoxicated; nor take as a pledge the note of another pawnbroker, or buy any goods in his trade before eight in the morning nor after seven in the evening; nor employ any apprentice or servant to take in any pledge, under 16 years old; nor receive any pledge before eight in the morning nor after eight in the evening between Michaelmas and Lady-day, or before seven in the morning and after nine in the evening the remainder of the year, except only until eleven on the evening of Saturday, and the evenings preceding Good-Friday, Christmas-day, and every Fast or Thanksgiving-day, on which days and on Sundays no pawnbroker to carry on his trade. *s.* 21.

Pawnbroker selling goods before the time limited, or wilfully damaging them, on proof on oath before one justice he shall award reasonable satisfaction to the owner out of the money due upon them; but if the damage exceeds the principal and

interest, then the goods to be delivered up without any thing being paid for the pawn, and pawnbroker to pay such excess, if any, under a penalty of £10. *s.* 24. and 30 *Geo. II. c.* 24, *s.* 5.

A justice may summon a pawnbroker to attend him with any book, paper or voucher; and if he neglects to attend or produce the same in a perfect state, he shall forfeit not more than £10. nor less than £5. unless he shews good cause for such neglect. *s.* 25. but information must be laid within twelve calendar months after the offence is committed, before some neighbouring justice, (except in London). *s.* 27. and parish officers may be bound, if the justice thinks fit, to prosecute any offender at the expense of the parish. *s.* 28.

A pawnbroker neglecting to make fair entries in his book, to forfeit not exceeding £10. as the justice shall think reasonable; and for every other offence, where no penalty is specified, not more than £10. nor less than 40*s.* to be levied by distress; half to the party complaining and half to the poor, unless otherwise directed. *s.* 26.

Witnesses summoned and not appearing, or refusing to give evidence without just cause for such refusal, may be committed to prison for any time not exceeding three months. 30 *Geo. II. c.* 24, *s.* 16. and if a justice deems the evidence of such witness to be material, he may bind him over to give evidence at the next sessions or assizes. *Ibid.*

No person to be admitted to bail without giving

the prosecutor 24 hours notice of the name and address of such bail. *Ibid.*—No *certiorari* allowed to remove any proceedings under either of the acts of 30 *Geo. II. c.* 24, *s.* 19, or 39 and 40 *Geo. III. c.* 99, *s.* 34. but appeal is allowed to the sessions.

No fees to be taken for any summons or warrant of a justice relating to things pawned. 30 *Geo. II. c.* 24, *s.* 13.

A pawnbroker is liable to the penalty under the 26th section of the act 39 and 40 *Geo. III. c.* 99, for taking more than the stipulated rate of profit; for though no particular penalty is provided for that offence, it falls within the general words of that clause. 12 *E. R.* 672. and consequently all other offences under this act (not specifically punished) are liable to a penalty of not more than £10. nor less than 40*s.*

Justice's Order to deliver Goods pawned, to the Owner.

Mr. C. D.

—— to wit. Whereas complaint and information upon oath hath been made unto me, one of His Majesty's justices of the peace for the said county, that A. B. in the said county did on the —— day of ——, 1817, pawn the following goods, *viz.* [*describe the goods as in the pawnbroker's duplicate*], with you the said C. D. for the sum of ——, and that the said A. B. who pawned and is the real owner of the said goods, did on the —— day of —— tender to you the principal money borrowed on the said goods, and all the interest due for the same; and that you refused to deliver back the said goods to —— and to accept of the said principal and interest. Now I do hereby order and direct you the said C. D. forthwith to deliver the said goods to the said A. B. And hereof fail not.

Given under my hand and seal this —— day of ——, in the year of our Lord 1817.

S. P.

Summons to shew Cause against a Commitment for disobeying an Order.

Mr. C. D.

—— to wit. These are in His Majesty's name to require you to appear before me, one of His Majesty's justices of the peace for the said county, at —— in the county of ——, on —— the —— day of ——, 1817, at —— o'clock in the ——noon, to shew cause why you should not be committed to the house of correction, for not delivering back unto A. B. the following goods *viz.* [*describe the goods*], which he pawned with you, he the said A. B. having proved before me, upon oath, that he hath tendered to you the principal money borrowed upon the said goods, and all interest due for the same. Hereof fail not at your peril.

Given under my hand and seal, this —— day of ——, in the year of our Lord 1817.

S. P.

Commitment for disobeying an Order.

To the Constable of ——, and also to the Keeper of the House of Correction at —— in the county of ——.

—— to wit. Whereas it hath been duly proved upon oath before me, one of His Majesty's justices of the peace for the said county, that A. B. of —— in the said county, did, on the —— day of ——, 1817, pawn the following goods, *viz.* [*describe the goods*], with C. D. of —— in the said county, pawnbroker, for the sum of ——, and that the said A. B. who pawned and is the real owner of the said goods did on the —— day of —— tender to the said C. D. the principal money borrowed on the said goods, and all the interest due for the same, and that the said C. D. refused to deliver back the said goods to the said A. B. and to accept of the said principal and interest. And whereas, on the —— day of —— last I did, by my order, direct the said C. D. forthwith to deliver the said goods to the said A. B. but he hath neglected so to do.— These are therefore to require you the said constable

apprehend the said C. D. and deliver him to the keeper of the house of correction aforesaid. And I do hereby command you the said keeper to keep the said C. D. in your custody until he shall deliver up the said goods, or make satisfaction for the value thereof to the said A. B.

Given under my hand and seal, this —— day of ——, in the year of our Lord 1817.

S. P.

Information against a Pawnbroker for not exhibiting a Table of Interest.

—— to wit. Be it remembered, That on the —— day of ——, in the year of our Lord 1817, A. B. of —— cometh before me J. C. Esq. one of His Majesty's justices of the peace in and for the county of ——, and acting near the place where the offence herein after mentioned was committed, and giveth me the said justice to understand and be informed that C. D. of ——, after the commencement of a certain act of parliament made and passed in the 39th and 40th years of the reign of our Sovereign Lord the King, intituled "An Act for the better regulating the business of Pawnbrokers," to wit on the —— day of ——, in the year of our Lord 1817 aforesaid, and from thence until and at the time of exhibiting this information, did follow and carry on the trade and business of a pawnbroker, at and in a certain shop in and part of a certain dwelling-house, situate and being in the town of ——, in the county aforesaid, nevertheless the said C. D. not regarding the said act of parliament did not nor would, whilst he so followed and carried on the said trade and business as aforesaid, cause to be painted or printed in large legible characters the rates of profit allowed by the said act to be taken by him the said C. D. and also the various prices of the note or memorandum to be given by him, according to the rates in and by the said act allowed, and an account of what notes or memorandums were to be delivered gratis, and of the expense of obtaining a second note or memorandum when the former one has been lost, mislaid, destroyed or fraudulently obtained, and place the same in a conspicuous part of the said shop wherein he so carried on the said trade or business as aforesaid, so as to be legible by the persons pledging goods and chattels, standing in

the places provided for such persons coming to pawn or redeem goods and chattels at the said shop; but on the contrary, he the said C. D. during the time aforesaid wholly neglected and omitted so to do, contrary to the form and effect of the said act of parliament, whereby and by force of the said act of parliament the said C. D. hath forfeited for his said offence a penalty of not less than 40*s.* nor more than £10. in the discretion of me the said justice: And thereupon the said A. B. prays the judgment of me the said justice of and upon the premises, and that the said C. D. may be summoned to answer the same and to make his defence thereto before me.

The like, for not having his Name and Description over his Door.

—— to wit. Be it remembered, [*as in last precedent,*] did not nor would, whilst he so followed and carried on the business as aforesaid, cause to be painted or written in large legible characters over his door of the said shop, by him during the time aforesaid made use of for carrying on the said trade or business of a pawnbroker, the Christian and surname of him the said C. D. so carrying on the said trade or business as aforesaid, and the word "*Pawnbroker*" following the same, according to the form and effect of the said act of parliament; but on the contrary he the said C. D. during the time aforesaid, to wit on the —— day of ——, and from thence for the space of one week and upwards then next following, made use of the said shop for carrying on the said trade and business of a pawnbroker without having such Christian and surname of him the said C. D. and the word "*Pawnbroker*" so printed or written as aforesaid, contrary to the form and effect of the said act of parliament, whereby and by force of the said act of parliament the said C. D. hath forfeited for his said offence the sum of £10. and thereupon &c. [*as in the last precedent.*]

The like, for taking a Pledge of a Child under 12 Years old.

—— to wit. Be it remembered, That on the —— day of ——, &c. [*as in the first information, to the words* "An Act for the better regulating the business of Pawnbrokers," *then say*] and within twelve calendar months next before the ex-

bibiting of this information, to wit on the —— day of ——, in the year of our Lord 1817, at the parish of —— in the county aforesaid, one C. D. of the parish aforesaid (he the said C. D. then and there being a pawnbroker), did unlawfully receive and take in pledge a certain [*describe the article*], of and from one E. F. the said E. F. then and there being and appearing to be under the age of twelve years, against the form of the statute in such case made and provided; whereby the said C. D. for his said offence hath forfeited a penalty of not less than 40s. nor more than £10. of lawful money of Great Britain, to be applied as the said statute directs; all which the said A. B. is ready to prove before me the said justice by a credible witness, when the said C. D shall be summoned to make his defence touching the same, wherefore the said A. B. prays judgment of me the said justice in the premises, and that I will proceed thereupon according to law, and that the said C. D. may be summoned to appear before me to answer the premises and to make defence thereto.

The like for not giving a Note legibly written describing the Article pawned.

—— to wit. Be it remembered, &c. [*as in first information to the words* "An Act for the better regulating the business of Pawnbrokers," *then say*] to wit on the —— day of ——, at &c. he the said C. D. then and there being a pawnbroker, did take by way of pawn or pledge of and from E. F. of &c. a certain —— [*describe the Article*], whereon the sum of 5s. was then and there advanced and lent by the said C. D. to the said E. F. nevertheless the said C. D. not regarding the said act of parliament, did not nor would, at the time of taking the said pawn or pledge, give the said E. F. a note or memorandum fairly and legibly written or printed, or in part written and in part printed, containing thereon a description of the said —— which he the said C. D. so received in pawn or pledge, and also the sum of money advanced thereon, with the day of the month and year on which, and the name and place of abode of the said E. F. by whom the said —— was so pawned or pledged as aforesaid, and whether the said E. F. was a lodger or housekeeper, according to the form and effect of the said act of parliament in that behalf; but on the contrary thereof the said

A. B. giveth me the said justice to understand and be informed, that although the said C. D. at the time of taking the said pawn or pledge as aforesaid did give to the said E. F. a certain note or memorandum, as and for such note and memorandum as aforesaid, yet the said —— [*the article pledged*], or the name and place of abode of the said E. F. and whether he was a lodger or housekeeper as aforesaid, were not fairly and legibly written or printed, or in part written and in part printed, in or upon the said note or memorandum so given by the said C. D. to the said E. F. as aforesaid, contrary to the form and effect of the said act of parliament, whereby and by force of the said act of parliament &c. [*as before.*]

The like, for taking greater Interest than allowed for redeeming a Pledge.

—— to wit. Be it remembered &c. [*as before*], and giveth me to understand and be informed, that C. D. of ——, on the —— day of ——, in the year aforesaid, at —— in the county aforesaid (he the said C. D. then and there using and exercising the trade or business of a pawnbroker), did demand, receive and take of and from E. F. of ——, who then and there applied and offered to redeem and did then and there redeem a certain ——, before then, to wit on the —— day of ——, in the year aforesaid, at —— aforesaid, pledged by one —— of —— with the said C. D. as and by way of security for a certain sum of money, to wit the sum of £——. of lawful money, &c. then and there, to wit on —— last aforesaid, at —— aforesaid, lent and advanced by the said C. D. to the said ——, and which said pledge did remain in pawn from thence, to wit from the day and year aforesaid, until and after the said —— day of ——, *in* the year aforesaid, a certain sum of money, to wit —— of like lawful money, as and by way of profit, over and above the said sum of £—— so lent and advanced as aforesaid, upon and for the loan of the said sum of £——, for the time during which the said pledge did remain in pawn as aforesaid; the said sum of —— so demanded, received and taken by the said C. D. being a greater profit than was or is allowed by law to be taken by him the said C. D. for the same, contrary to the form of the statute in such case made and provided, whereby and by force of the said statute the said

C. D. forfeited for the said offence a penalty of not less than 40s. nor more than £10. in the discretion of me the said justice; and therefore the said A. B. prays judgment of me the said justice, and that the said C. D. may be summoned to answer the premises, and to make defence thereto before me the said justice &c.

Conviction for taking more than legal Interest.

—— to wit. Be it remembered, That on the —— day of ——, in the year of our Lord 1817, A. B. of &c. pawnbroker, is convicted before me, J. C. Esq. one of His Majesty's justices of the peace for the said county of ——, for that on the —— day of ——, in the year of our Lord 1817, at the parish of —— in the said county of ——, he the said A. B. who then and there used and exercised the trade and business of a pawnbroker, did unlawfully demand, receive and take of and from one C. D. on redeeming the pawn and pledge hereinafter mentioned, the sum of —— of lawful money of Great Britain, as for and by way of profit upon the sum of —— of like lawful money, the said sum of —— being a sum not exceeding the sum of —— theretofore, to wit on the —— day of ——, in the year of our Lord —— [*the day of the pledge*], at and in the parish aforesaid in the county aforesaid, lent and advanced by the said A. B. upon a certain pawn and pledge; that is to say [*describe the articles*], to the said C. D. which said pawn and pledge was redeemed by the said C. D. within the space of —— days after the expiration of the first calendar month after the same had been so pawned and pledged as aforesaid; that is to say on the said —— day of ——, in the year aforesaid, to wit at and in the parish aforesaid in the county aforesaid, the said sum of —— so demanded, received and taken as aforesaid, being more than at and after the rate of —— for the loan of any sum not exceeding ——, by the calendar month, and being greater profit than he the said A. B. was then and there entitled and ought to demand, receive and take, contrary to the form of the statute in such case made and provided; and I the said justice do adjudge him to pay and forfeit for the same the sum of £—— of lawful money &c. And I do award, that out of the said sum of £—— so forfeited as aforesaid the sum of £——, being one moiety of the said sum of £——, be paid

to —— the party complaining in this behalf, and that the sum of £——, being the remaining moiety of the said sum of £—— so forfeited as aforesaid, be paid and applied as the law directs.

Given under my hand and seal, &c.

Conviction for taking a Pledge without giving a Duplicate, where the Goods are pawned in an assumed Name.

—— to wit. Be it remembered, That on this —— day of ——, in the year of our Lord 1817, [*within 12 calendar months from the time of the offence,*] A. B. of ——, pawnbroker, is convicted before me S. P. Esq. one of the justices of the peace for the said county of ——, for that on the —— day of ——, in the parish aforesaid in the county aforesaid, the said A. B. who then and there used and carried on the trade and business of a pawnbroker, did then and there take of and from one G. H. in the name of J. K. by way of pledge, certain goods and chattels, to wit [*describe the articles*], upon which the said A. B. lent and advanced the sum of £——, and which said G. H. at the time he pawned the said goods and chattels informed the said A. B. that his name was J. K. and that he lived in ——, and he the said A. B. did not at the time of taking the said pledge give to the said G. H. a note or memorandum fairly and legibly written or printed, or in part written and in part printed, containing therein a description of the said goods so pawned and also the place of abode of the person by whom such goods were pawned, according to the information given by the said G. H. to the said A. B. at the time of such pawning as aforesaid, contrary to the form of the statute in such case made and provided; and I the said justice do adjudge the said A. B. to pay and forfeit for the same the sum of £—— &c. [*as in last precedent.*]

(PEDLARS. See "*Hawkers and Pedlars.*")

PEACE *(Breach of.)*

Offences against the public peace are either such as are an actual breach of the peace, or by construction in aiding others in the breach thereof; an affray, an assault, a riot, are breaches of the peace; one or more justices may take sureties for the peace, and any person who has reasonable ground to fear receiving corporal injury from another, may demand such surety.

Form of exhibiting Articles of the Peace.

—— to wit. C. D. wife of E. D. of the parish of —— in the county of ——, gent. prays surety of the peace against the said E. D. her said husband, for fear of death or bodily injury.

First. This informant on her oath saith that she intermarried with her said husband about —— years ago, since which time he hath often in a cruel, barbarous and inhuman manner beat, abused and ill-treated this informant, and frequently threatened to take away her life.

Secondly. This informant saith, that on the —— day of —— last past, her said husband, in a violent passion, [*state the particular acts of cruelty.*]

Lastly. This informant saith that she is actually afraid her said husband will do her some further bodily injury, if not murder her, should she return home to him; and saith that she doth not make this complaint against her said husband out of any hatred, malice or ill-will which she hath or beareth towards him, but purely for the preservation of her life and person from further danger.

Articles of the peace require the signature of counsel.

See *Affray, Assault, Riot, Sedition, Surety for the Peace.*

POOR *(Overseers.)*

By statute 43 *Eliz. c.* 2, *s.* 1, the churchwardens of every parish, and four, three or two substantial householders there as shall be thought meet, having respect to the greatness of the parish, to be nominated yearly in Easter week, or within one month after, under the hand and seal of two or more justices of the peace in the same county, (one to be of the quorum) dwelling in or near the same parish, shall be overseers of the same; but by 54 *Geo. III. c.* 91, the appointment of overseers to be made on the 25th day of March, or within fourteen days after in every year.

By 17 *Geo. II. c.* 38, overseers may act as churchwardens in places where there are none, and if overseer die, remove or become insolvent before the expiration of his office, two justices (on oath made) may appoint another. *s.* 3.

If justices neglect to make the appointment within the time prescribed, they shall forfeit £5. to the poor, to be levied by the churchwardens and overseers or one of them, by distress, by warrant from the sessions. 43 *Eliz. c.* 2, *s.* 10. but a subsequent appointment is good. 1 *Bott.* 25, *pl.* 44.

Churchwardens are overseers, and may act as such without any formal appointment.

Not more than four overseers nor less than two

can be appointed for one parish, unless it is divided into two or more divisions or townships. 1 *Burr.* 446. 4 *T. R.* 550. and there must be two overseers exclusive of the churchwardens. 13 *East*, 142.

The appointment must describe the overseers as substantial householders resident in the parish, 2 *Str.* 1261. but *substantial* being a relative term, a labourer may be appointed if there are no other fit persons to serve the office. 2 *T. R.* 395. and a woman may be appointed an overseer if there be not a sufficient number of men qualified. 2 *T. R.* 395.

Barristers, attornies, clergymen, though they have no cure of souls, officers of the customs, and all revenue officers, are exempt from serving the office of overseer; and by a *dictum* of Lord Kenyon (though the case has not been decided) justices of the peace are ineligible on the principle that the two offices are incompatible, the accounts of overseers being subject to the control of the justices. 2 *T. R.* 779.—Other persons are exempt by statute; as physicians, being fellows of the college; freemen of the surgeon's company, while they practise; apothecaries in London or within seven miles, if free of the apothecaries' company; persons who have prosecuted to conviction burglars, &c. militia-men, and licensed dissenting ministers.

The appointment of overseers is discretionary in the justices; but to enable them to make a proper choice, it is customary for the overseers, before the end of the year, to make a list of persons proper to

serve the office, and the justices usually issue a precept, requiring it to be done; and the Court of King's Bench will grant a mandamus to compel justices to make an appointment.

If two appointments are made on the same day, that which is prior in time is good, and the other a nullity. 1 *Bott*, 21 *pl.* 37. but an appointment made and not carried into effect by a delivery of such appointment to the parties, will not supersede an appointment regularly made by other magistrates subsequently, and delivered to the overseers appointed. *Rex* v. *the Inhabitants of Twickenham. Trin. Term, 48 Geo. III. M. S.*

The justices' appointment must be under hand and seal, and should pursue the words of the statute appointing the persons "*overseers*," and by no other term; it must also state them to be *substantial* householders in the parish, and that the appointment is for the parish, &c. that it is made in the division or place in which the magistrates have jurisdiction, and the time for which they are appointed must be inserted. 4 *T. R.* 778.—It must be signed and sealed by the justices in each other's presence, it being a judicial act. When an appointment is once properly made, no other justices can alter it. 2 *E. R.* 244. nor can the justices who made it; and the only remedy is to procure the discharging of the party by appeal to the sessions. *Ibid.* and parishioners as well as the persons appointed may appeal against the appointment.

3 *T. R.* 38. The appeal must by 17 *Geo. II. c.* 38, *s.* 4, be to the next general or quarter sessions, but the order of sessions may be removed by *certiorari* to the King's Bench, and that court will grant the writ to remove the order in the first instance without an appeal to the sessions. 2 *E.* 247.

An overseer refusing to take upon himself the office may be indicted, but he must have due notice of his appointment. 2 *E.* 249. 7 *Mod.* 410. and if an overseer act fraudulently, or do not provide for the poor, or do it unnecessarily or improperly, he may be indicted.

The duty of overseers as set forth in 43 *Eliz. c.* 2, is with the consent of two justices to set to work the children of parents incapable of maintaining them, and of persons married or unmarried having no means to maintain themselves, and incapacitated by sickness or other just excuse to be allowed by two justices; and such overseers to meet once a month at least in the church on Sunday in the afternoon, after divine service, to consider of the course to be taken herein, under a penalty for each default, or being negligent in their office, of 20*s.* to the poor, (unless reasonable cause shewn); the penalty to be levied by some or one of the churchwardens or overseers by distress warrant of two justices; and if no distress, such justices may commit the offender to the common gaol till the penalty is paid, but appeal allowed to the general quarter sessions. *s.* 1, 2, 6, 11. but the penalty for not meeting in the church is not

to be inflicted on overseers of extra-parochial places. 8 *Mod.* 40. Their other duties are to make a rate for the relief of the poor, to ascertain what poor they are bound to maintain, to administer to their wants, and to remove such persons, (not being legally settled), as may become chargeable; at the expiration of their appointment, to pass their accounts, and deliver over any balance to their successors.

The majority in number can in all cases act; a poors' rate may be made by them without the concurrence of the inhabitants; and the Court of King's Bench by mandamus will compel the parish officers to make a rate if necessary. 1 *Barnard*, 137.

Overseers should immediately on their appointment get the accounts of the late overseers adjusted, and the balance of monies paid over. By 17 *Geo. II. c.* 28, it is enacted, "That the Churchwardens and Overseers of every Parish, Township and Village shall, within *fourteen days* after Overseers shall be appointed for the Year ensuing, deliver in to such succeeding Overseers a just, true and perfect Account in writing, fairly entered in a Book to be kept for that purpose, and signed by them, of all Sums by them received, or rated and assessed and not received; and of all Goods, Chattels, Stock and Materials in their Hands, or in the Possession of the Poor of the said Parish, to be wrought or worked; and of all Monies paid by them the said Churchwardens and Overseers so account-

ing, and of all other Things concerning the said Office."

If there is any doubt or difficulty as to the obtaining such account or balance, the overseers should apply to the magistrates, who will grant a summons to the late overseers for that purpose.

On the return of the summons, the magistrates will direct such steps to be taken as the necessity of the case may require, *viz.* by committing the parties to the common gaol, until they do account, &c. or by allowing any reasonable time to enable them to do it.

A commitment by two justices of the peace of an overseer for not duly accounting held good, though committed until he should be discharged by due course of law, and not until he should account, &c. 3 *Mau. and Sel.* 203. If the overseers after the allowance of their accounts by two justices at a special sessions and an order to pay over the balance, which order is confirmed on appeal, refuse to pay such balance, the two justices may issue a distress warrant under 50 *Geo. III. c.* 49, on application of *one* of the succeeding overseers, though the rest of the parish officers refuse to concur in such application. 2 *Mau. and Sel.* 343.

Overseers may sue on bond given to indemnify the parish against a bastard child, and the suit shall not abate by reason of the change of overseers. 54 *Geo. III. c.* 170, *s.* 8.

If an overseer remove from the parish and ano-

ther is appointed in his stead, he shall deliver up all his books, &c. and pay the balance of monies in his hands to the succeeding overseers; or if he dies, his executors or administrators shall, within forty days after his death, deliver up the accounts and pay any balance due from him; but if any money is due to the late overseer, the succeeding overseers are compelled to reimburse it out of any rates to be collected, although the rate must not be made for that express purpose. 41 *Geo. III. c.* 23. but overseers cannot charge in their accounts money paid as a salary to one of the overseers. 2 *Man. and Sel.* 323.

Overseers having performed all the duties of their office, must at the expiration of the year for which they were appointed, by 17 *Geo. II. c.* 28, deliver within fourteen days after new overseers are appointed, to such succeeding overseers, a just, true and perfect account in writing, fairly entered in a book, which account must be verified on oath before one justice, who shall sign and attest the taking thereof, at the foot of the account.

If the churchwardens have acted as overseers of the poor, and any part of the account relates to payments made or money received by them, they must also join in the oath, and their names must be joined in the allowance by the justice.

Though overseers are appointed for several years successively, they must, nevertheless, annually account, and in such annual account the ex-

penses actually incurred *in that year* can only be included; it being unreasonable that the inhabitants, being a fluctuating body, should be liable to the expenses of their predecessors. 6 *T. R.* 159.

After the accounts are regularly allowed by one justice, no other justice can intermeddle with them; a justice may be compelled, by mandamus, to swear an overseer to his accounts, and if he has any reasonable objection to so doing, he may return it upon the mandamus. A mandamus will also lie to compel the late overseers to deliver up the poors' rate books to their successors, who ought to have the custody thereof. 1 *Bott.* 304, *pl.* 341. 1 *Wils.* 125.

By the act 50 *Geo. III. c.* 49, *s.* 1, two or more justices are empowered to examine and correct, and to allow and approve the accounts of churchwardens and overseers; such accounts must be submitted to them at a special sessions for that purpose to be held within the fourteen days appointed by the act 17 *Geo. II. c.* 38, for delivering such account; and such justices shall, *if they think fit*, examine into the matter of such account, and administer an oath or affirmation to such churchwardens and overseers, of the truth of such account; and disallow and strike out of every such account all such charges and payments as they shall deem to be unfounded, and reduce such as they shall deem to be exorbitant; specifying upon or at the foot of such account, every such charge

or payment, and its amount, so far as such justices shall disallow or reduce the same, and the cause for which the same is disallowed or reduced: and such justices shall signify their allowance and approbation of any such account, under their hands, and sign and attest the caption of the same at the foot of such account, in the manner directed by the said act of 17 *Geo. II.* And in case such churchwardens and overseers, or any of them, shall refuse or neglect to make and yield up or submit such account, or to verify the same by oath as aforesaid, or to deliver over to their successors, within ten days from the signing and attesting such accounts, any goods, chattels or other things which on the examination and allowance of such account, in manner aforesaid, shall appear to be remaining in their hands, any two or more justices shall commit them to the common gaol until they shall have made and yielded such account, and verified the same as aforesaid, or shall have delivered over such goods, chattels and other things which shall appear to be so remaining in their hands as aforesaid; and in case such churchwardens and overseers, or any of them, shall refuse or neglect to pay to their successors, within fourteen days from the signing and attesting such account, any money or arrearages which on such examination and allowance shall appear to be due from such churchwardens and overseers, or any of them, or remaining in their hands, the subsequent churchwardens and

overseers shall, by warrant from any two justices, levy such money by distress and sale of the offender's goods, and in default of such distress they may commit the offender to the common gaol of the county, there to remain until payment of such money or arrearages as aforesaid.

By this act it does not seem *imperative* on the two justices at a special sessions, to examine and correct the accounts, consequently the act 17 *Geo. II.* as far as regards the allowance by one magistrate, is not repealed; but as the overseers are bound to present them to the justices at a special sessions within the limited time, which justices are directed to sign their allowance and approbation thereof, it seems reasonable to conclude that the accounts were intended to be allowed (whether altered or amended, or not) by the magistrates at such special sessions.

If the churchwardens or overseers are aggrieved by the disallowance or alteration by the magistrates of any of the charges in their accounts, they may appeal at the next quarter sessions, to be held next after the 10th day from making the order; but must first pay or deliver over to the succeeding overseers such money, goods, chattels and other things which shall appear by such account to be in their hands, and must also enter into recognizance before one or more justices, with two sufficient sureties in not less than double the value of the disputed charges, to enter and try such appeal: and

the justices at sessions may confirm or reverse such allowance or reduction, in whole or in part, and may also allow (if they think fit) costs to the churchwardens and overseers upon such appeal, such costs to be defrayed out of the poor's rate. 50 *Geo. III. c.* 49. 15 *E. R.* 200.

Any parishioner may appeal against the accounts of the overseers, on giving notice to the parish officers of such intention; but the accounts should be first allowed by the magistrates, and the appeal should be to the sessions next following such allowance. *s.* 3.

For general negligence in their office, overseers are punishable by 43 *Eliz. c.* 2, *s.* 2, 11, by fine of 20*s.* for every default.

And by 17 *Geo. II. c.* 38, a penalty of not less than 40*s.* nor more than £5. is inflicted on every parish officer neglecting to obey the directions of that act, in cases where no penalty is provided for by the same act. *s.* 14.

By 33 *Geo. III. c.* 55, two justices at a special or petty sessions, on complaint on oath of neglect of duty, or disobedience of any lawful warrant or order of a justice, by an overseer, (such overseer being previously summoned) may impose a fine not exceeding 40*s.* on conviction of such overseer, and if not paid, the same may be levied by distress and sale of such overseer's goods; such fine to be applied to the poor of the parish where the offender resides, at the discretion of the justices: and if no

distress, such offender may be committed to the house of correction for any time not exceeding ten days. *s.* 1. but if the party conceives himself aggrieved, he may appeal to the next quarter sessions on giving ten days' notice. *s.* 1.

Having pointed out in what manner overseers are punishable for neglect of their duty, it remains to be shewn how they are protected in the due execution of their office.

By 21 *Jac. c.* 7, in any action brought against churchwardens or overseers for any matter done by them concerning their office, they may plead the general issue, and give the special matter in evidence; and such churchwardens or overseers shall have double costs if a verdict shall be given in their favour, or if the plaintiff shall be non-suited or discontinue the action; and every such action must be laid in the county where the fact was committed. And by 43 *Eliz. c.* 2, any person sued for any thing done in pursuance of that act, may plead the general issue, and give the special matter in evidence; and if a verdict shall be found for the defendant, or the plaintiff should be non-suited, or discontinue his action, the defendant shall have treble damages with costs; and by 24 *Geo. II. c.* 44, no action shall be brought against any constable, &c. or other officer, or any person acting by his order, for any thing done in obedience to the warrant of a justice of the peace, until demand has been made or left at the usual place of abode by the party or by his

attorney, in writing, signed by the party demanding the same, of the perusal and copy of such warrant, and the same hath been refused or neglected for six days after such demand; and if after a compliance therewith, such action shall be brought, without making the justice who signed the warrant a defendant, on producing and proving such warrant at the trial, the jury shall give their verdict for the defendant, notwithstanding any want of jurisdiction in the justice granting the warrant; and if such action is brought jointly against the justice and the officer, then on proof of such warrant, the jury shall find for the defendant.

Though churchwardens and overseers are not expressly named in this act, it has been determined in Jackson's case, *E.* 13 *Geo. III.* that all officers acting under a justice's warrant, are included by the words "*other Officers*," in the act 24 *Geo. II. c.* 44. and this case was decided in an action of trespass, brought against overseers of the poor for executing a distress warrant for a poors' rate, in which the plaintiff was non-suited for not having pursued the directions of that statute, by making a demand, in the manner required by the act, of perusal and copy of the justice's warrant. 7 *T. R.* 270.

Churchwardens may by 53 *Geo. III. c.* 127, recover church rates not exceeding £10. in a summary way before two or more justices. See "*Church Rates.*"

By 50 *Geo. III. c.* 51, so much of the 8*th* and 9*th* *Wm. III.* as requires paupers under certain pecuniary and corporal punishments to wear badges, is repealed.

The majority of the parish officers, as before stated, may make a rate for the immediate relief of the poor, which rate must be allowed by two or more justices of the peace living in or near the parish; and this act being merely ministerial, they must allow it without exercising any discretion as to the necessity or inequality of the rate; but if two rates are presented by different officers of the same parish, the justices may elect which to allow. 1 *Bott.* 99, *pl.* 122. and the magistrates need not be together at the time of such allowance. 3 *T. R.* 380.

On the Sunday next following the allowance, notice of the rate must be given by publishing it in the church, otherwise it is void. 4 *T. R.* 368. and after a rate has been regularly made, allowed and published, it cannot be altered by inserting other names, although with the consent of the justices who allowed it. *Doug.* 449.

The rate when made must be copied in a book and attested by the parish officers who made it; and any inhabitant may inspect it on paying 1*s.* or may take a copy of the whole or part thereof on payment of 6*d.* for every 24 names; churchwarden or overseer not permitting inspection, or

refusing to give copies on demand, shall forfeit £20. to be recovered by action at law. 17 *Geo. II. c.* 3, *s.* 2, 3.

A rate need not be made for any specific time, but should be assessed monthly or oftener as occasion may require; and any inconvenience which might arise by a change of occupation is remedied by 17 *Geo. II. c.* 38. which enacts, That when any person shall occupy any premises, from which any person assessed shall be removed, or which at the time of making the rate was empty, every person so removing or coming in, shall pay the rate only in proportion to his respective occupation.

Though the rate is made for the immediate relief of the poor, yet it may be made prospectively. 6 *T. R.* 320. and law expenses necessarily incurred by the overseers in the prosecution of appeals and other matters may be paid out of the rates, and overseers whilst in office may make a rate to reimburse themselves; but if an overseer continues more than one year in office, he cannot reimburse himself money paid in a preceding year out of the current assessment. 6 *T. R.* 159. By 41 *Geo. III. c.* 23, it is enacted, That the churchwardens and overseers, or any of them, out of any money they shall collect in pursuance of any rate for the relief of the poor, may reimburse the *preceding* churchwardens and overseers such sums as they have heretofore advanced or expended for the maintenance or relief

of the poor during the time that no rate or assessment thereof has been made, or during the time that any appeal had been depending which affected the whole rate, or upon hearing of which the same might be quashed; and in default of payment within 14 days after demand in writing, such preceding churchwardens, &c. may apply to the sessions, who shall make an order on the then churchwardens, &c. to pay such sum as they shall think fit, and levy the same by distress.

All persons having property from which a profit is derived, lying within the parish, though dwelling elsewhere, are liable to be rated to the relief of the poor; and the occupier of a house, and not the landlord, is liable to the rate; but if the house is divided into tenements, inhabited by distinct families, each family may be rated separately. The different species of property liable to be rated, according to legal decisions, are as follow:

Lands and *Tenements* generally. *Dalt*, 235. 5 *East*, 480.

The *Palace* of an Archbishop or Bishop.

The *Scite of a Royal Palace*, occupied by a subject, from which he derives a permanent interest. 1 *T. R.* 338.

Royal Park. The Ranger is liable to be rated for the inclosed Land from which he derives a profit, but not otherwise.

Hospitals, and *Land for their endowment*, and ge-

nerally all Charitable Institutions are liable in respect of persons residing in or upon them having a beneficial occupation as tenants, but not otherwise. 2 *Salk*, 527. 1 *Bott*. 125, *pl*. 154.

Weighing Machines on a Turnpike Road.

Prisons. Wardens or Keepers of Prisons in respect to profits derived from letting lodgings to prisoners.

Coal Mines, unless exhausted and producing no profit. 8 *E*, *R*, 387.

Tithes. The Assessment to be made personally on the Parson (he being considered as the occupier) and not on his Lessee. *Plow*. 496.

Oblations and other *Offerings*. 3 *T*. *R*. 385.

Ground Rents.

Waste Lands, when improved. 17 *Geo*. *II*. *c*. 37.

Tolls on navigable Canals; and they are rateable where the Tolls are due. 2 *T*. *R*. 660.

Markets or *Fairs* yielding a certain annual profit.

Underwoods, though usually cut down but once in twenty-one years, are rateable according to the improvement in value, or in the rent which might fairly be expected for them whenever a rate is made. 10 *E*. *R*. 219.

Chapels and Conventicles. If the Pews are let to profit, or if the House is beneficially occupied or used for any other than Religious purposes. *Cald*. 310. 1 *Bott*. 164, *pl*. 192. 14 *East's Rep*. 256.

A *Mineral Spring* being part of the produce of Land, and therefore the occupier rateable for the

whole as one estate. 1 *Bott.* 155, *pl.* 185. 1 *M. and S.* 503.

Merchant Vessels are rateable at the place from which they trade. 4 *T. R.* 771.

Docks. Land thus converted, unless specially exempted by act of parliament. 1 *T. R.* 219.

Lime Works, in the hands of the occupier; also *Slate Works.* 1 *E. R.* 534.

Personal Property, though liable, is seldom rated, except by special custom, from the uncertainty of ascertaining its amount. 6 *T. R.* 468, and 16 *East's R.* 360.

PROPERTY NOT RATEABLE.

Royal Palaces occupied by the Royal Family.

Chambers in an Inn of Court.

Houses built and used for Charitable Purposes only, or occupied for the use of Religion solely. *Cald.* 358.

Quit Rents, Heriots, and other casual Profits of a Manor. 2 *Burr.* 991. 1 *Bott.* 131, *pl.* 167.

Lead Mines, the occupiers paying no rent, but only a portion of the ore. 1 *Bott.* 137, *pl.* 170.

Market. The Lessee of a Stall at a Market or Fair, used only on market or fair days.

Money in Possession or on Mortgage. 6 *E. R.* 182.

Tolls in the hands of Trustees for Public Uses.

Tolls of a *Ferry,* the Owner or Lessee not being an inhabitant of the parish where the Tolls are re-

ceivable, nor having any property or exclusive possession in the soil of the landing place. 12 *E. R.* 346. Williams *v.* Jones and Hughes.

Buildings occupied by a Servant of the Crown, or of a *public body* for the mere exercise of a public duty. 3 *E. R.* 506.

Way-leave, i. e. a Right of Way or Passage. 2 *T. R.* 90.

Salaries. 1 *Bott.* 138, *pl.* 171. 4 *T. R.* 771.

The rate must be made on property actually occupied, therefore an empty house is not rateable, and it can only be demanded of the person named on the rate. 2 *Burr.* 1053. but incorporeal hereditament, as tolls, &c. incapable of bodily occupation may be rated for the profits, and the receiver of the tolls are liable. 2 *T. R.* 90.

The rate must be made on the value of all the rateable property in the parish, &c. for which the rate is made at the time of making such rate. 2 *Salk.* 526. but whether so made, or at rack rent, or relative value, the rate must be made equal. 6 *T. R.* 154: and the Court of King's Bench will quash a rate made on an erroneous principle, and unequal. 1 *Bott.* 116, *pl.* 140. but a mere difference in a proportionate assessment will not induce the Court to infer inequality. 4 *Burr.* 2491. unless such relative proportion is grossly and manifestly unequal. *Cald.* 522.

By 43 *Eliz. c.* 2, *s.* 3, if the inhabitants of any parish are incapable of raising a sufficient sum for the maintenance of their poor, two justices may rate any other parishes within the hundred in which such parish is, in aid.

If after the rate is made and properly demanded, any person refuses to pay, the overseers should apply to the magistrates of the division at their petty sessions for a summons for the defaulter, or his personal representative, if dead; and no warrant of distress can issue without a previous summons. 6 *T. R.* 198. Personally serving the summons is not necessary; leaving it with some person in his house is sufficient.—If the party appears and offers no satisfactory reason, or does not appear, a warrant of distress may issue, on proof on oath of the service of the summons.

It is necessary to point out distinctly the extent of the magistrate's power in hearing and determining cases respecting rates: it has been contended that the granting a warrant after a summons for a rate is a *judicial* and not merely a *ministerial* act, as it would be nugatory to summon parties to answer a complaint, and to hear their defence, without the power to allow it, if legal; for if it is imperative in the magistrates to grant a distress warrant, of what avail is the precedent summons to shew cause? But the reason why the summons is required is, that the party may shew cause why the warrant should not issue against him, and as magis-

trates are civilly responsible for issuing a warrant illegally, the rule is not less for their benefit than for the party aggrieved; but in no case can the *quantum* or *inequality* of the rate be considered, that being the sole province of the quarter sessions.—In the cases following a magistrate may refuse a distress warrant.

1st. On proof that the money has been tendered and refused, or that the party is ready to pay.—2d. That he has actually paid it to one of the parish officers, who had not accounted for it.—3d. That the rate is null and void, for want of jurisdiction in the magistrates allowing it, or that it was not duly made or published.—4th. That the party complaining is not rateable, either as not being occupier or rateable occupier. *Doug.* 426.—6 *T. R.* 198.—4 *T. R.* 368.—4 *Mod.* 157.—4 *T. R.* 338.—2 *Black.* 1330.—2 *T. R.* 272. In these cases only can the magistrates refuse a distress warrant; and if they refuse it for any other cause, a mandamus will lie to compel them. 6 *T. R.* 198.

The distress warrant must state specifically the sum to be distrained, the name of the person to be distrained on, and the rate upon which it is granted; it must also state the time when the goods are to be sold, *viz.* not less than four, nor more than eight days. 27 *Geo. II. c.* 20. One warrant may compel payment of two assessments, under different rates, but it is not adviseable, since if one of the rates is illegal it vitiates the warrant

as to both. 2 *Black. Rep.* 1330. The goods may be distrained in any place within the county. 17 *Geo. II.* c. 38, *s.* 7. or in any other county, if no goods are in the justice's jurisdiction; and if no distress can be had, the justices may commit the party till payment. The officer executing the distress warrant shall shew the same to the person whose goods are distrained, and shall permit him to take a copy of it; and a second distress may be made if the first insufficient from the goods distrained being of an arbitrary or uncertain value. 1 *Burr.* 572. *Nolan*, 1, 234. Appeal against the distress is allowed to the next sessions, whose decision is final; but no distress shall be illegal merely for defect of form in the appointment of overseers or in the warrant of distress, nor shall the parties be on either account deemed trespassers.

If a person deems himself aggrieved by a rate, either on account of its illegality, informality or inequality, he must appeal at the next general or quarter sessions, after the due making, allowance and publication of the rate; and it has been determined with reference to the county of Middlesex, that it is not necessary to appeal to the next sessions, if it be a *general* sessions, but to the next quarter sessions, and it is adviseable that the appeal should be made in all cases to the *quarter* sessions, as the general sessions cannot award costs to either party. 4 *T. R.* 13. By the next sessions is meant the next practicable sessions at which an ap-

peal may be lodged. 15 *E. R.* 206. such appeal should be entered at an original sessions, and not at an adjourned sessions. 2 *Bott.* 714. *pl.* 795. but it may be lodged at such adjourned sessions and respited. *Ibid.* The appellant must pay the rate notwithstanding his appeal, but if on the hearing it is quashed, the sum paid shall be allowed in the next effective rate. 41 *Geo. III. c.* 23.

A notice in writing of such intended appeal, signed by the appellant or his attorney, must be served upon or left at the place of abode of at least two of the parish officers, in reasonable time before the quarter sessions. 17 *Geo. II. c.* 38, *s.* 4, and 1 *T. R.* 627. and the particular causes of such appeal must be stated in such notice. 41 *Geo. III. c.* 23. more persons than one can join in such notice if the causes of appeal are the same. 15 *East*, 206. notice of appeal must be also given to all persons whose assessments are made the grounds of appeal and who are interested in the event of such appeal, to enable them to defend their interests, if so inclined; but it is not necessary for the appellant to give notice to a person whose name is omitted in the rate. 1 *T. R.* 627.

In appeals against rates, if the appellant does not appear the respondent cannot have costs, as under 17 *Geo. II. c.* 38, the power to award costs is only given to the court on the hearing and determining the appeal.

If the rate is quashed on appeal, the justices shall

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direct the churchwardens and overseers to make a new one. 17 *Geo. II. c.* 38. but 41 *Geo. III. c.* 23, *s.* 6, gives the justices at the quarter sessions a power to alter or amend the rate, both in matter of form and substance, and the Court of King's Bench will not interfere on the ground of a poor's rate being unequal, unless such inequality be manifestly apparent on the rate. 2 *T. R.* 660.

Until the act 54 *Geo. III. c.* 170, no person could legally be excused payment of poors' rate by the overseers, even with the approbation of the magistrates; but by that act it is provided that two or more justices in petty sessions, upon proof of inability to pay, may, with the consent of the parish officers, excuse any poor person from the payment of any parish rates, and strike such person's name out of the assessment. *s.* 11.

Persons who have a claim on the poors' rate, are the poor by impotency and defect, the aged and decrepit, the fatherless and motherless, the lame, the blind, persons labouring under sickness, idiots, lunatics, &c. to these the overseers are bound to administer relief according to their several necessities, either by setting such to work as are able, by keeping them in the workhouse, or by occasional relief by small pensions or otherwise, at their own houses; they may also put out the children of the poor as apprentices. 43 *Eliz. c.* 2, *s.* 1. but this liability of the parish officers is only in cases where the relations of the paupers are incapable of main-

taining them, for the father, grandfather, mother, and grandmother, and children of every poor, blind, lame, and impotent person, being of sufficient ability, shall relieve and maintain them, according to a rate to be assessed by two justices, under a penalty of 20*s.* a month. *s.* 7. The order made for maintenance must state that the person on whom it is made resides in the jurisdiction of the justice making it. It must adjudge the party on whom it is made to be of sufficient ability, that the person to be relieved is actually chargeable to the parish, and that he is unable to work through impotency; it must direct the party to relieve the pauper, and must state how long. The statute inflicts a penalty of 20*s.* a month for disobedience of the order; but the party may nevertheless be indicted, and the order may be removed to the Court of King's Bench. Upon this statute it has been decided 4 *T. R.* 118, that *natural* and not *acquired* relations are only included in its operation, and consequently that a father-in-law is not bound to maintain his wife's child by a former husband, neither in her life-time nor after her death, even though the husband had acquired an estate with his wife; neither is a father liable to maintain his son's wife or widow, nor a son-in-law his wife's mother; and it only extends to such relations as are enumerated in the statute.

The sessions cannot make an order for the pauper to be sent to his relations, but only an order

to relieve him. *Foley*, 41. and the pauper must first become chargeable to the parish. 16 *Viner*, 424.

Parents deserting their families are by 7 *Jac. c.* 4, *s.* 8, deemed incorrigible rogues, and may be sent by two justices to the house of correction. Besides this corporal punishment, by 5 *Geo. I. c.* 8, *s.* 1, the parish officers where any wife, child or children are left chargeable, may, by warrant from any two justices, seize the offender's goods, and receive so much of the annual rent of his lands, &c. as the justices shall order, in discharge of such parish; which order on being confirmed at the next quarter sessions, they the justices of the quarter sessions may authorize the parish officers to sell so much of the said goods and receive so much of the rents as the court shall think fit. The original order by the two justices must specify the sum to be raised, and how much property is to be seized, and then the sessions should order how much of the property so seized, is to be sold and appropriated. 6 *E. R.* 163. The order cannot be made prospective, but merely for the discharge of expenses already incurred by the parish. *Ibid.* By 17 *Geo. II. c.* 5, *s.* 1, persons threatening to leave their wives and children shall be deemed idle and disorderly persons; one justice, on conviction by confession or oath of one witness, may commit the offender to the house of correction for any time not exceeding one month; and all who run away, leaving their

families chargeable, shall be deemed rogues and vagabonds, and the justice or justices before whom they shall be brought, may order them to be publicly whipped, or sent to the house of correction, to remain till the next quarter sessions, or any less time they shall think proper. *s.* 2. Appeal allowed (giving reasonable notice) to the next general quarter session, whose order is final. *s.* 26.

Paupers are to be relieved within their own parishes, except in the case of bastards being nurse children. *S. C.* 49.

By 43 *Eliz. c.* 2, the churchwardens and overseers, with the consent of two justices, are to set to work paupers and their children; and the said justices may send such as refuse to work to the common gaol or house of correction. *s.* 1, 4. the names of all persons receiving relief to be entered in a book, with the time of their admission, &c. 3 *W.* *c.* 11, *s.* 11. and no others to be relieved, except by order of the justices. *Ibid.*

No justice to order relief unless upon oath of the party, of his reasons for requiring it, and of his having applied to a vestry or two overseers, and having been refused relief; nor until such justice hath summoned two of the overseers to shew cause, and the persons summoned hath been heard or did not appear. 9 *Geo.* *c.* 7, *s.* 1. the person to whom such relief shall be granted, shall be registered in such book; and no officers shall relieve any person

not so registered, under penalty of £5. to be levied by distress, by warrant of two justices. *s.* 2.

An order for relief weekly is due the beginning of the week. 1 *T. R.* 320.

Neither the justices nor the sessions have power to order payment of a surgeon's bill for curing a pauper. 1 *Barnard*, 46. 2 *Barnard*, 207, 247.

By 3 *Car. c.* 4, churchwardens and overseers, by consent of two justices, may set up trades for the use of the poor. *s.* 22.

The statute 43 *Eliz. c.* 2, empowers overseers, with leave of the lord of the manor, and by order of sessions, to build at the charge of the parish, on any common or waste land within the parish, convenient houses for the impotent poor.

Also, by 9 *Geo. c.* 7, *s.* 4, overseers are empowered, with the consent of the majority of the parishioners in vestry assembled, to hire or purchase any house, and contract with any person for the lodging, keeping, maintaining and employing the poor, and shall take the benefit of their labour; any poor person soliciting relief, who shall refuse to be so lodged, kept or maintained, shall not be entitled to relief from the churchwardens or overseers of the parish; and two or more parishes may join, with the approbation of a justice of the peace, in purchasing or hiring such house for the purpose aforesaid.

No contract to be valid unless the person so contracting be resident within the contracting parish,

or the parish wherein the poor shall be lodged or maintained, or, in the case of united parishes, in one of such parishes; and unless paid or more respectable householders shall, before the time of signing the contract, give sufficient security to the churchwardens and overseers for its due and faithful performance; and such contract to be approved of and signed by two justices acting for the county where the parish is situated. 43 *Geo. III.* c. 54.

Every contract to be void which shall not be made conformable to this act; and also (though made conformable) if the contracting party remove from the parish before the expiration of the whole term for which such contract is intended to continue; nevertheless the security given is not vacated, but is to continue in force to indemnify the parish officers for any loss they may sustain in consequence of the breach of contract and of such removal. *s.* 2.

Paupers applying for relief and refusing to go into the workhouse, may be refused relief by the overseers. 3 *T. R.* 687. but a mother applying for relief for her child is not compellable to go with it into the workhouse. *Ibid.*

By 36 *Geo. III.* c. 23, overseers, with the consent of a vestry and the approbation in writing of one justice, may order relief to be given to poor persons at their houses, under temporary illness, although such person shall refuse to be lodged in the poor house. *s.* 1. one justice may order re-

lief to any industrious poor person at his home, notwithstanding any contract for maintenance of the poor in the poor house; but the cause of ordering such relief must be stated in the order. s. 2, 3. and no such order to be in force longer than three months from the date; but two justices may make further order for a longer time, not exceeding six months. 55 *Geo. III.* c. 137. and so on as occasion may require, on oath of the necessity of such relief continuing, and summoning the overseers to shew cause against it. *Ibid.* and no allowance for longer than one month, to exceed 3s. per week for each person, or three-fourths of the average weekly expense of a pauper in the workhouse. Nothing in this act to extend to places where houses of industry are established under 22 *Geo. III.* c. 83.

By 30 *Geo. III.* c. 49, any justice of the peace (or any medical man or clergyman, by warrant of such justice) may visit parish workhouses and examine the same, and may certify any complaint to the quarter sessions. s. 1. in case such justice, &c. shall find the poor afflicted with any contagious disease, want of food or medical aid, he shall apply to another justice, and such order shall be made for immediate relief as may be necessary until the quarter sessions. s. 2.

By 24 *Geo. II.* c. 40, no spirituous liquors to be sold or used in any workhouse.

A justice is empowered by the act 52 *Geo. III.* c. 160, to order the overseers of the poor of any parish, &c. wherein any gaol (not being a county gaol) is situated, to relieve any poor person who shall be there confined under *mesne process* for debt, and who shall appear to such justice unable to support himself, and who shall have made application to the overseers for relief; such relief not to exceed six pence a day during the time of confinement.

If the overseers have any doubt of the legal settlement of the debtor, they shall cause him to be examined on oath before one or more justices, as to his last legal settlement; upon which examination the justice or justices may make order for the removal of such debtor, and suspend the execution of it during the time of his confinement, which suspension is to be indorsed on the said order, and the subsequent permission is also to be so indorsed and signed by such justice or justices, or any other justice or justices of the county, riding or division.

A copy of the order of removal and of the suspension should be forthwith served on the overseers of the poor of the parish in which such debtor is adjudged to be settled.

The overseers of the poor of the parish where the debtor is settled (though he shall not be removed by virtue of the order) shall repay, by the direction of any justice, to the overseers of the parish wherein the gaol shall be situated, the reasonable

charges incurred in granting relief to such debtor during his confinement, not exceeding six pence per day; and if the overseers of such parish refuse or neglect to pay the charge within twenty-one days after demand, and shall not in the mean time give notice of appeal against the order of removal, one justice may, by warrant under his hand and seal, cause the money to be levied by distress and sale, and also costs not exceeding 40s. at his discretion: if the parish, &c. to which the removal is made, is out of the jurisdiction of the justice issuing the warrant, then the warrant to be sent to any justice having jurisdiction within such parish, who shall indorse the same for execution; but if the charges ordered to be paid exceed 5*l.* the aggrieved party may appeal to the next general quarter sessions of the county in which such gaol is situated, and such court of quarter sessions may amend the order at their discretion, and direct the original order so amended, to be duly executed.

If the parish wherein such debtor shall be adjudged legally settled, intend to resist the order of removal, they must give notice of appeal within twenty-one days before the next quarter sessions, if the order is served in sufficient time to enable them to do so; if not, then the appeal to be to the next succeeding sessions; and if no appeal, or if upon the hearing thereof the order shall be affirmed, such debtor shall be deemed to be legally settled at the place adjudged by such order.

If the debtor has no legal settlement in England

or Wales, the justice may order the overseers to pay him six pence a day out of the poors' rate, and all such sums shall be repaid them by the treasurer of the county in which such parish is situated, out of the county rate, at the expiration of the debtor's confinement.

By 22 *Geo. III. c.* 83, so much of the 9*th Geo. c.* 7, as respects the maintaining or hiring out the labour of the poor by contract within any parish which adopts the provisions of this act, shall be repealed, and nothing in this act shall extend to any parish, &c. which shall not agree to adopt the provisions herein contained. *s.* 44.

Whenever two thirds in number and value of the owners or occupiers, according to their poors' rate, within any parish, township or place (qualified as after mentioned) shall at a public meeting signify their approbation of the provisions of the act and a desire to adopt them; and shall, at such meeting, nominate to the justices three persons qualified as guardians, and three others for governors of the poor-house, and fix salaries to be paid to them; and shall procure the assent of two justices, in writing, to such agreement and salaries, such parish, &c. to be entitled to the benefit of this act. *s.* 3.

The notice to convene a public meeting must be given in the church three Sundays before, and must be fixed in writing on the church door fifteen days before. *s.* 6.

No person to vote at such meeting unless he is assessed £5. to the poors' rate, as an occupier or

owner of land; but if there are not ten persons so qualified, then every person assessed may vote. *Ibid.*

If the persons assembled at such public meeting, shall at such meeting, by writing under their hands, signify their opinion to the justices that on account of the extent and population of the parish, &c. more than one guardian of the poor is necessary, such justices may appoint four or more guardians, as the case may require. 41 *Geo. III.* c. 9, s. 1.

Two or more parishes may unite for the purpose of this act, but no parish distant more than ten miles from the poor-house, shall unite with the parish, &c. in which such poor-house is established. 22 *Geo. III.* c. 83. and all casual poor to be relieved by all the parishes conjointly. 33 *Geo. III.* c. 35, s. 3.

The guardians of the poor, thus appointed, shall be invested with the powers given to churchwardens and overseers, except as to the making and collecting rates, which rates shall be paid to the guardian, or so much as shall be necessary; or if two parishes are united, they shall pay over their respective quotas to the treasurer of such united district, or shall permit the treasurer to draw drafts upon him, in the form prescribed by this act; such draft to specify the general purposes to which the money is to be applied, to be allowed to the churchwarden and overseer, whose accounts, and those of the guardian, are to be examined

monthly by the visitor, after being verified on oath before a justice, 22 *Geo. III. c.* 83, *s.* 7, 8.

The guardians present at a monthly meeting, with the consent of the visitor, who shall sign the same, may make an order on the churchwardens, overseers or collectors of the poors' rate, for such money as shall be necessary for the purpose of the act; and on neglect or refusal, the same may be levied by distress and sale of the goods, &c. of such churchwardens, by warrant of one justice. 41 *Geo. III.* c. 30.

Notices respecting the removal of paupers to be served on the guardians; but if on the overseers or churchwardens, the latter shall deliver the same to the guardians, under a penalty of 40*s.* *Ibid.*

No illegitimate child born in such workhouse, under this act, to be settled in the parish where such workhouse is situated, but at its mother's settlement. *s.* 39.

These persons are to be nominated by the guardians as fit to serve the office of visitor, who are afterwards to apply to two justices, and produce to them the agreement and names of the said three persons; and justices to appoint in three days, one to be a visitor; if he refuse, then one other, and if he refuse, then the third; if he also refuse, then the guardians to serve monthly, by rotation, subject to the control of the magistrates. *s.* 10.

The visitor, (if not a guardian) may appoint a deputy. *Ibid.*

The duty of the visitor is to superintend the house, remove doubts as to persons who are to be sent there, to see the regulations enforced, and settle the accounts of the guardians and treasurer, such visitor or deputy to be exempt from all parochial offices; and a certificate of serving the office, signed by a justice, shall be evidence of serving it. *Ibid.*

The guardians to recommend a treasurer to the justices, who shall appoint him, which treasurer shall account to the guardian at every meeting, and shall once a year make out an account of the expenses attending the poor-house, of the number of poor persons, how they have been employed, and what has been earned by their labour, to be inspected by the visitor; and if by him approved, shall be sent to the clerk of the peace, and by him laid before the sessions. s. vi.

Justices to appoint a governor, and this office, as also that of the guardian, visitor and treasurer, to cease in Easter week yearly; and in case of death or removal, then the vacancy to be filled up in the manner before-mentioned.

Houses, &c. may be provided by the guardians at the proportionate expense of the several parishes, for the accommodation of the poor; and they may also sell any houses erected or purchased. Houses hired, to be taken for not more than twenty-one years nor less than three. Visitors and guardians to be a body corporate, and to be enabled to

take by purchase or lease any lands, not exceeding one acre, in any city or town; and in the open country, twenty acres, for the site of a house. They are also empowered to enclose any waste or common, not exceeding ten acres, for building upon, and to borrow money at interest, and charge the same upon the poors' rate. *s.* 18, 19, 20, 21.

And if at any time the money borrowed shall be called in, the guardians, &c. may borrow it of some other person, by assigning the security. *s.* 26.

Every person sent to the poor-house, to deliver to the governor an order for admission, signed by one of the guardians, *s.* 28. and none to be sent but the indigent, aged, sick or infirm, except such orphan children as shall be sent by the guardian, with the approbation of the visitor, except such children as go with their mothers for sustenance. *s.* 29.

Infants becoming chargeable to the place where they belong, may be sent to the poor-house or placed with some reputable person, at a weekly allowance; such expense to be borne by the place to which they belong, unless the parents or relations shall desire to provide for such child; and no child under seven years of age to be separated from his parent or parents without their consent. *s.* 30.

Idle and disorderly persons to be prosecuted by the guardians, as vagrants, by 17 *Geo. II.* and if guardian shall neglect to complain of such person to some justice within ten days after he knows the

fact, he shall forfeit not more than £5. nor less than 20*s*. *s*. 31. but where any person is willing to work, and unable to get employment, the guardian may agree for the labour of such poor person at any employment suited to his ability, and shall maintain him till such employment can be procured; the guardian to receive his earnings and apply it towards his maintenance; and if such person shall refuse to work, or run away from his employment, a justice, on complaint of the guardian, may commit him to the house of correction for not more than three nor less than one month. *s*. 32.

The act 9 *Geo. c.* 7, is repealed so far as regards the hiring out the labour of the poor by contract, in those parishes which shall adopt the regulations of 22 *Geo. III. c.* 83. but the visitors and guardians may make agreements (not to continue in force longer than twelve months) for the diet and cloathing of the poor sent to the house, and for their labour, subject to the control of the visitor, guardian and governor, with power to two justices to dissolve such contract. *s*. 2.

A justice, on complaint on oath of any poor person, legally chargeable, that the guardian hath refused to relieve, such justice may order a weekly or other allowance, or direct such guardian to receive the pauper into the poor-house, which order he shall comply with, under a penalty of £5. and the justice, if the pauper is able and willing to work, may order the guardian to procure him main-

tenance and employment; or if he is an idle and disorderly person, able but unwilling to work, the justice may commit him to the house of correction for not more than three months nor less than one; but in places where a visitor is appointed, application must be first made to the guardian; if he refuses, then to the visitor; and if he also refuses, then the application to be made to the justice. *s.* 35, 37.

The poor that shall be sent to the house are to be supported at the general expense of the united parishes; the treasurer, with the aid of the governor, shall provide for the maintenance of the poor, and the guardian to provide cloathing for persons sent to the house; if he neglect, the governor or one of the guardians may complain to a justice, who shall summon the party complained of, and order him to find such cloathing; and if he make default, in ten days justice shall order the governor to provide the same, and levy the price thereof, with costs, by distress and sale of the goods of such guardian making default. *s.* 24, 38.

The guardians to meet the first Monday in every month, to examine and settle the accounts of the preceding month; at such meeting the treasurer's accounts shall be produced, and the money due to him shall be apportioned between the respective parishes, at a medium of three years next before such agreement in writing; the overseers, under a penalty of £5. shall attend and

give an account what has been the expense, at a medium of three years; and guardian not attending such meeting, either in person or by proxy, to forfeit not more than £5. nor less than 40s. If a pauper embezzles or wilfully wastes the goods or materials, he shall be committed to the house of correction for not more than six nor less than two months. s. 25, 26, 40.

No visitor, guardian or governor to sell or furnish any materials, goods, cloths or provisions, or do any work in his trade for any workhouse in which he shall be appointed to act, under a penalty of not more than £20. nor less than £5. s. 42.

If any poor person shall be detained by sickness or infirmity in passing through any parish in which he is not settled, the guardians shall provide him lodging, nourishment and cloathing, if necessary, until he can be safely removed; when he can be so, they shall apply to a justice, get him examined on oath as to his last legal settlement, and procure an order for his removal thither; and such parish shall make a charge of such expenses, which shall be paid by the guardian of the parish where such person is settled, if that can be discovered and be within the county; or if the person die or shall be found dead, the guardian shall bury him in the place where he died or was found dead, and the expenses, when allowed by a justice, to be paid by the parish where pauper settled, if within the county; but if settlement cannot be found, or shall

not be in the county, then to be paid out of the county rate. *s.* 38.

Any guardian or other persons enticing poor children, pregnant women, or the sick or infirm poor from one parish to another, or conveying them without an order of removal, shall forfeit not more than £20. nor less than £5. The penalties in this act to be recovered before one justice, and to be levied by distress and sale; and if no distress, then by imprisonment in the house of correction, not exceeding six months, but appeal is allowed to the next sessions. *s.* 41.

Penalties under this act to be recovered before one justice by distress and sale, and for want of distress, the offender to be committed to the house of correction for not more than six calendar months nor less than one; the penalties, (unless otherwise directed), to be paid to the treasurer towards the monthly expenses of the house. *s.* 45.

Appeal allowed to the sessions on giving eight days notice, and security by recognizance to pay costs, if the matter be determined against the appellant. *s.* 46.

Certain rules and regulations specified in this act are to be observed in all poor-houses, with such additions as may be made by the justices at the special sessions. *s.* 34.

Where the guardian and visitor of a parish had adopted the provisions of 22 *Geo. III. c.* 83, on application to them for relief by a pauper for her-

self and children, directed them to be received into the poor-house, held that one justice had not jurisdiction on complaint to him by the pauper, to order relief out of the poor-house. 2 *Mau. and Sel.* 324.

The act 36 *Geo. III. c.* 10, authorizes in incorporated districts increased assessments for the relief of the poor, notwithstanding such assessments shall exceed those limited by former acts. *s.* 1, and by 52 *Geo. III. c.* 73, so much of the last act which provides that the sums to be assessed by virtue thereof shall not exceed double the sum then raised by virtue of any incorporating act, is repealed.

The rules respecting workhouses were by the act 22 *Geo. III. c.* 83, only applicable to poor-houses established under the authority of that act; but the act 49 *Geo. III. c.* 124, directs, That any two or more justices may, at a petty sessions, order them to be observed and enforced in any parishes within their divisions; and by 50 *Geo. III. c.* 50, these regulations are extended to parishes which shall not have adopted the provisions of 22 *Geo. III.* although there be no master or mistress appointed to superintend such poor-house; and the churchwardens and overseers of the poor are invested with all the powers and required to perform the duties imposed upon the governors of the poor.

Contractors for maintaining the poor shall be subject to the jurisdiction of the magistrates, in the same manner as overseers, and the orders made

by any justice on such contractor, to be binding and enforced by the same means as against overseers disobeying in like manner; and justices, on application of the overseers, may appoint the keeper of the workhouse to be governor thereof, who shall be invested with the same powers as the governors directed to be appointed by 22 *Geo. III. c.* 83.

The punishment for paupers embezzling or wasting goods, &c. and for infraction of the rules and orders directed to be enforced by the act 22 *Geo. III. c.* 83, are continued in force by 50 *Geo. III. c.* 50.

By 55 *Geo. III. c.* 137, overseers are invested with the goods, &c. belonging to the poor, and any person buying or receiving in pawn any property provided for the use of the poor, or defacing any marks thereon, shall forfeit not exceeding £5. nor less than 20s. on conviction by confession or oath of one witness before one justice of the peace, one moiety to the informer and the other to the overseer; in default of payment the offender to be committed to the common gaol or house of correction for not more than two calendar months. *s.* 2. and persons absconding with such property, on conviction by confession or oath of one witness, may by one justice be committed to gaol or house of correction for three calendar months. *Ibid.*

Paupers guilty of misbehaviour in workhouses may be committed to gaol or house of correction to hard labour for not exceeding 21 days. *s.* 5.

No person concerned in the management of the

wards reversed: where born *in transitu*, while the mother is passing under an order of removal or remaining under a suspended order: where born after the order signed, but before actual removal: where the mother returns to the place from whence she was removed, or where the bastard is born in the streets, the mother being in a state of vagrancy. 17 *Geo. III. c.* 5, *s.* 25. but a bastard born on the road, while the mother is going to her own parish, (without fraud), is settled where born; and by 54 *Geo. III. c.* 170, a child born in the poor-house belonging to united parishes shall not be settled there, but in the parish from which it is sent to such poor house. *s.* 3.

A bastard shall not be removed to its place of settlement while under seven years of age, but shall continue as a nurse child with its mother, unless she desert it. 2 *Bott.* 4 *pl.* 11. but its own parish shall maintain it in the parish where its mother resides.

The place of birth is also the *primâ facie* settlement of legitimate children, but only so until their settlement by parentage can be discovered, and so also is the place where they are *found*.—Legitimate children are settled in the parish where their father is last settled; and when the father gains a new settlement, it is communicated to the child, until it gains a settlement in its own right; and such settlement is not altered by the after marriage of the mother; or if the father's settlement cannot be found,

then in the place where their mother is settled; and if a widow gain a new settlement, (except by marriage) it is communicated to her children, *i. e.* by her former husband.

A posthumous child is entitled to his father's settlement, and this right is not annulled by the father's death, though the mother gains a new settlement in her own right by marriage; nor can she in any case gain a new settlement for her children during their father's life, but the children follow the settlement acquired by the mother after the father's death, she being a widow. *Foley*, 254, 1 *Sess. Ca.* 69.

Children after seven years of age may be emancipated and gain a settlement for themselves; and the general rule of law is, that such children shall have the settlement of the parent at the time of emancipation. 6 *T. R.* 247. 2 *Bott*, 33 *pl.* 63. 5 *E. R.* 526. for if a child be born in a parish where his father is settled, and the father afterwards gains a settlement in another parish, the last parish is the settlement of the child. 2 *Salk.* 528. 3 *Salk.* 259.

Emancipation may be effected by a child's remaining in a parish after the removal of his father, and maintaining himself by his own labour; by enlisting as a soldier; by becoming the head of a family; by marriage, &c. and generally where a child leaves his father's family and puts himself under the control of others it is an emancipation.

Persons born in any prison or house licensed for

the reception of pregnant women, shall not gain any settlement in consequence thereof in the parish where such prison or house is situate. 54 *Geo. III. c.* 170, *s.* 2.

BY MARRIAGE.

By *marriage*, in general, the settlement of the husband is communicated to the wife, but the marriage must be legal, and conformable to the marriage act. 26 *Geo. II. c.* 38. and a wife cannot gain a settlement distinct from the husband during coverture, though she never resided with him. A cohabitation of thirty years is such a presumptive proof of marriage, as will entitle the children to the settlement of their parents; but if she marries a man whose settlement is unknown, she does not thereby lose her maiden settlement. 2 *Bott.* 77, *pl.* 120, 121. and if she marries a foreigner who has gained no settlement, she must be sent to her settlement before marriage. *Ibid.*—On the removal of the wife only, it is sufficient if the removing parish prove her maiden settlement, the fact of her marriage must be proved by the appellants; but, notwithstanding the husband's settlement is communicated to the wife, and retained by her after her husband's death till she gains a new one, yet her settlement is merely suspended but not extinguished; for if her husband has no settlement, or it cannot be discovered, her

own settlement remains notwithstanding her coverture. *Cald.* 39, 2 *Bott.* 83, *pl.* 127.

To establish a settlement by parentage, it is necessary to prove—1st. The marriage.—2dly. That the pauper is the issue of that marriage.—and 3dly. The settlement of the parents; first of the father, and if he has none, or it cannot be found, then of his grandfather or grandmother; and if no settlement can be proved on the side of the father, then recourse must be had to the mother's settlement. 1 *Nolan*, 287.

HIRING AND SERVICE.

Another species of settlement is by *hiring and service*; by 8 and 9 *Wm. III. c.* 30, it is enacted that no person hired as a servant shall gain a settlement, unless he abide in the same service one whole year, and he must be unmarried and not have any child or children. 3 *Wm. III. c.* 11. to which the last act refers; and no certificated person nor servant of a certificated person, shall gain any settlement by such hiring and service.

The period when the statute requires the party to be unmarried, is the time when the contract is made, therefore marriage during the service, or even after the hiring and before the year begins, will not prevent a settlement. 3 *T. R.* 382. *Burr. S. C.* 322. A widower is within the meaning of the act, and may gain a settlement by hiring and ser-

vice. 2 *Bott.* 177, *pl.* 236. and though he hath a child, yet if the child is emancipated it shall not defeat his settlement; but the emancipation must take place at the commencement of the contract for the year's service under which the settlement is sought to be obtained. 10 *E. R.* 88. 1 *Nolan*, 303. It is not necessary that the master should have a settlement, nor need he live in the parish where his servant serves him. 1 *Nolan*, 304. The degree of relationship between the parties is immaterial.

A daughter may gain a settlement by performing the office of a servant to her father. 2 *T. R.* 37. The nature of the service is immaterial, and the servant may live the whole or a part only of his service in his master's house; it is sufficient if he is *bona fide* his servant for the term; the wages may be in money, clothes, instruction or victuals, and may be payable or given weekly, yearly, in the piece or in gross, and any alteration during the year is immaterial. 1 *East*, 656.—*Burr. S. C.* 489.—*Cald.* 367. —3 *T. R.* 449.—The contract must be for one year's prospective and successive service; any interruption or special exemption from the control of the master, during the term, gains no settlement.—The contract for hiring may be expressed or implied, oral or written, and though no express agreement can be proved, yet the exercise of control, and the performance of service, is presumptive evidence of the hiring for a year, unless it is proved that the parties did not in fact stand in the relation

of master and servant. 5 *T. R.* 327, 447. where there is a general hiring but no time mentioned, it shall be presumed to be a hiring for a year. 5 *T. R.* 668. and any hiring for an indefinite time is a hiring for a year. 2 *Bott.* 191, *pl.* 254. A hiring for half a year and service, and another hiring for a year and service for the half of that year, gains a settlement. 1 *Ld. Ray.* 426. 4 *Bott.* 333. *pl.* 312.—A hiring for a year, and the servant continuing six months after the year, gains a settlement in the place where the servant served the last forty days; but the forty days' residence must be within the compass of a year. 1 *Man. and Sel.* 221.

If a master becomes a bankrupt, in consequence of which the year's service is dispensed with, the servant nevertheless does not lose his settlement. 2 *T. R.* 627. so, if the master pays the year's wages, but tells his servant he has no further occasion for his services. 8 *T. R.* 236. and if the master turns away his servant before the year, expressly to defeat his settlement, it is held to be a fraud, and shall not prevent the settlement. 2 *Bott.* 302, *pl.* 368.

A servant quitting his service, by consent of the master, to prevent a settlement, is held fraudulent and a mere evasion, and only operates as a dispensation. 2 *Bott.* 312, *pl.* 379.

A service with other masters, by the first master's consent, he taking him again, is a dispensation only. 2 *Bott.* 294, *pl.* 357. but if a servant goes

away three weeks before his year expires, with his master's consent, and 6s. is deducted in consequence from his wages, it is a dissolution. 2 *Bott.* 300, *pl.* 366. and so, if a servant, with his master's leave, is absent, and during such absence his year expires, he gains no settlement. 2 *Bott.* 304, *pl.* 372. Forty days' residence is necessary to gain a settlement, but it is not necessary that the forty days should be successive. 2 *Bott.* 278. and where the last forty days is in different parishes, the settlement is gained in the parish where the servant lodged the last night. 2 *Bott.* 286, *pl.* 350.

A service with the same master though not in the same place where the hiring was, gains a settlement in the last place of service. 2 *Bott.* 273, *pl.* 334. 4 *Burn*, 338. though the master had neither house nor estate there. 2 *Bott.* 284, *pl.* 348. and was only a visitor or temporary resident. 2 *Bott.* 274. *pl.* 337. If a servant during his service marries and lodges with his wife for the last forty days in another parish, he gains a settlement in the parish where he lodges. 2 *Bott.* 287, *pl.* 351.

A servant leaving his master from sickness, is still considered as residing with him in the capacity of a servant, and gains a settlement in the master's parish, even though his master deduct part of his year's wages. 5 *T. R.* 657.

Hiring for eleven months and one month over, is a hiring for a year. 1 *Nolan*, 306.

A hiring from Whitsuntide to Whitsuntide is for

a year, though there may not be 365 days in that particular year. 1 *Nolan*, 320.

If a person is hired short of a year, no settlement is gained, though the avowed object of the curtailment is to avoid a settlement. 1 *Nolan*, 319. Persons cannot contract so as to gain a settlement, unless they are free agents; therefore a parish pauper hired out by the parish officers, not being *sui juris*, cannot by such hiring acquire a settlement. 1 *Nolan*, 304, 312. A deserter from the King's service gains no settlement by hiring and service. 1 *Nolan*, 303. nor a private soldier during leave of absence. R. *v.* Beaulieu. 55 *Geo. III.*

If a master dies before the year, continuing with his widow till the expiration of the year gains a settlement. 1 *Nolan*, 363, 370, 416. and where the master lets his farm, and the servant continues with the lessee the remainder of the year, a settlement is gained without any fresh contract. 1 *Nolan*, 416.

A dispensation of service is where the servant continues liable to serve his master for the year, though the master dispense with part of the service, and a settlement is nevertheless gained; but if the master part with his control over his servant so far that neither of them retain any power of compelling the full performance of the contract, such contract is dissolved and no settlement is gained. 1 *Nolan*, 345. therefore if a master consents to his servant leaving his service two days before the ex-

piration of the year, though he pay the full year's wages, yet it was held to be a dissolution of the contract. 12 *E. R.* 550.

A female servant during her service was discovered to be with child and was turned away; held to be a good cause of dismissal, and consequently a dissolution of the contract. 1 *Nolan*, 391. A man servant cannot be dismissed on a supposition of a criminal intimacy with a female servant in the same family; but otherwise if the fact positively found. 1 *Nolan*, 392. the residence during the last forty days of the year's service fixes the settlement; but if the last forty days' residence be abroad or in an extra-parochial place, the settlement is in the parish where the preceding forty days' residence was. 1 *Nolan*, 421. and where a person resides part of a year in one parish and part in another, and resides forty days in each, the settlement is where he lodges the last night. 1 *Nolan*, 424. If a service is continued beyond a year, a settlement is gained in the parish in which the service is performed the last forty days. 4 *Burn.* 340.

Serving part of the year by deputy, though with master's consent, does not confer a settlement. 1 *Man. and Sel.* 622.

Certain disabilities by statute prevent servants from gaining settlements, viz. servants coming into a parish under a certificate, shall gain no settlement there unless they take the lease of a tenement of the value of £10. a year, or execute

some annual office there. 9 and 10 *Wm. III.* c. 11.

Persons hired and living with persons who reside in the parish under a certificate. 12 *Ann. st.* 1, c. 18, *s.* 2.

Servants to any person residing in any parish, &c. under the authority of 33 *Geo. III.* c. 54, "*for the Relief of Friendly Societies*," shall not on account of such hiring and service gain a settlement therein. *s.* 24.

No child, nurse or servant received, maintained, educated or employed in the Foundling Hospital, shall in consequence thereof gain a settlement in the parish where such hospital is situate. 13 *Geo. II.* c. 29, *s.* 7. nor penitent prostitute admitted in the Magdalen Hospital. 9 *Geo. III.* c. 31, *s.* 8.

To support a settlement by hiring and service, it is necessary to prove—1, hiring for a year,—2, service for a year,—3, residence for forty days.

BY APPRENTICESHIP.

By 3 *W. and M.* c. 11, *s.* 8, if any person shall be bound apprentice by indenture, and inhabit in any town or place, such binding and inhabitation shall be adjudged a good settlement; but by 13 and 14 *Car. II.* c. 12, *s.* 1, a residence of forty days is necessary to gain such settlement. Apprenticeship to a person residing under a certificate gives no settlement in the certified parish. 12 *Ann. st.* 1,

c. 18. but the indenture must be duly stamped. 8 *Ann*, c. 9, and 9 *Ann*, c. 21. and if so stamped, *indenting* is not necessary. 31 *Geo. II.* c. 11. No stamp is required for indentures binding parish apprentices or children put out by public charities. 43 *Geo. III.* c. 98. The indenture must be in writing and by deed, and not an agreement to bind. *Burr. S. C.* 272.

The age of the master or apprentice is immaterial. 4 *Burn*, 403. 4 *T. R.* 196. the master's condition is also immaterial; a female may be bound apprentice to a day labourer to learn the business of a housewife. 4 *Burn*, 404. and it is essential that both master and apprentice be parties to the deed; but it is not necessary that the master execute it. 2 *Salk.* 479. 4 *Burn*, 404. 9 *E. R.* 295. nor the apprentice if bound by the parish officers. 2 *T. R.* 726. In the case of a parish apprentice, the signature and allowance of two justices is necessary, and they must do it in each other's presence. 3 *T. R.* 380. but one may sign alone if he is present at the signing by the other. 8 *T. R.* 455. and such apprentice may be bound for an indefinite time. 4 *Burn*, 407. When the binding is for a less term than seven years, the indenture is not void but only voidable. 1 *Nolan*, 453. and so, binding for a longer term than the law allows is good for a settlement. 4 *Burn*, 406. Where an apprenticeship is intended but the indenture is void, it shall not enure as a service. 4 *Burn*, 419. If the relation of master and ap-

prentice is created by the contract, it is not necessary to use the words *master or apprentice*. 4 *Burn*, 420. 1 *E. R.* 531.

The settlement of an apprentice does not depend upon the settlement of his master, but on his own residence. 2 *Salk.* 533. and if he serves his master all day in one parish and sleeps at night in another, he gains the settlement where he lodges. 2 *Bott.* 399, *pl.* 454. It is not necessary, as in the case of a servant, that the residence should be forty successive days; for if the apprentice serve forty days in one parish and forty days in another, his settlement will be in the parish in which he lodged, *i. e.* (slept) the last night. 4 *Burn*, 433. but not so if the lodging for one night is casual, without resumption of or any intention to resume his service. 4 *Burn*, 431. 13 *E. R.* 452. If a pauper apprentice sleeps in another parish on account of illness, but while there is occasionally employed by his master, though not in his business, he gains a settlement by forty days' residence in that parish. 11 *E. R.* 176. but if an apprentice left by his master's desire the parish in which his master lived, and returned and slept in that parish without his master's knowledge, it is a casual residence and gains no settlement. 13 *E. R.* 452. An apprentice gains a settlement by residing forty days in the same parish with his master, though from infirmity he perform no actual service. 4 *Burn*, 426. If the apprentice by his master's assent work for himself, or for another,

provided the master derives a benefit from the service, he gains a settlement. 4 *Burn*, 456. but mere knowledge of the apprentice working for another will not do, the consent must either be expressed or implied. 1 *Nolan*, 511. If an apprentice's indenture is assigned he thereby gains a settlement. 4 *Burn*, 446, though the assignment is by indorsement on the original indenture. 2 *Bott*. 407, *pl*. 374. but if the assignment be by a new instrument, without referring to the original indenture, no settlement is gained, as it operates as a new contract. 4 *Burn*, 449. 11 *E. R*. 95.

The exchanging indentures is virtually annulling them. 2 *Bott*. 397, *pl*. 462. The bankruptcy of the master does not discharge the indentures, and an apprentice hiring himself as a yearly servant does not gain a settlement thereby, his apprenticeship not being expired. 2 *Bott*. 395, *pl*. 458.

An apprentice, though under age, may be discharged from his indentures by the consent of all parties to the indentures. 2 *Bott*. 398, *pl*. 464. though a parish apprentice under age cannot consent to his own discharge. 2 *Bott*. 410, *pl*. 477. but if of full age, he can with his master's consent discharge himself from his indentures without the interference of the parish officers. 2 *Bott*. 397, *pl*. 465.

Apprenticeship is a personal trust, and is discharged by the death of either master or apprentice, and an apprentice after his master's death may hire himself as a yearly servant. 2 *Bott*. 396, *pl*. 460.

but though an apprentice on the death of his master is not in strictness assignable, yet if he continue under assignment with the consent of all parties and his own, it is a continuation of the apprenticeship. 4 *Burn*, 445.

An apprentice to a certificated man serving an uncertified one in the same parish, gains no settlement. 4 *Burn*, 631. An apprentice to a man having two certificates from the same parish to different parishes, gains a settlement, by serving the last forty days in the first certificated parish, the second certificate having discharged the first. 4 *Burn*, 633. If the certificate be granted to the master within forty days after binding, apprentice gains no settlement, but if apprentice had served forty days before granted, he does. 4 *Burn*, 634. and the settlement of the apprentice is good, though certificate be not delivered. 4 *Burn*, 599. but to prevent the settlement of an apprentice to a master certificated by a friendly society, under 33 *Geo. III. c.* 54, *s.* 17. the certificate must be delivered to the parish officers before the service of the apprentice. 14 *E. R.* 253.

To establish a settlement by apprenticeship it is necessary to prove—1st. the binding by indenture; —and, the identity of the apprentice;—3dly. his service under the indentures, and residence forty days in the parish;—and 4thly. if the service is with another, the consent of the original master. 1 *Nolan*, 530.

An indenture being lost, evidence must be pro-

duced of that fact, before other evidence can be received of its contents and existence. 2 *Bott.* 448, *pl.* 511. 4 *Burn*, 463. It is held that the indenture must be proved by the party calling for it, though it came out of the hands of the adverse party, and a copy may be given in evidence where the adverse party has notice to produce the original and refuses. *Bull. N. P.*, 254.—If the deed is thirty years old, no proof is necessary of its execution, the sealing and delivery shall be presumed, unless disproved. An alteration made by the party, whether material or not, vitiates the deed; but an immaterial alteration by a stranger, does not.

BY RENTING.

The general principle which regulates this species of settlement is the ability to pay £10. a year, and the nature of the tenement is immaterial; an incorporeal hereditament is a tenement within the meaning of the act, and the renting a windmill (not being a post windmill,) or water mill, or a rabbit warren, will gain a settlement. 4 *Burn*, 469. 2 *Nolan*, 8. and a contract for the privilege of milking cows fed on a farm, though the cows are not the pauper's own, will confer a settlement. 10 *E. R.* 496. 14 *E. R.* 280. but the value of the land on which the cows are depastured must be £10. a year or upwards. 2 *Nolan*, 16.

The *rent* of a tenement is not material, if it be of

the *value* of £10. a year, and stock on a tenement does not alter its value. 4 *Burn*, 486. but if land is taken ready cropped, its value may be computed higher on that account. 16 *E. R.* 127.

A tenement at £10. yearly value will confer a settlement, though the landlord agree to pay rates and taxes. 4 *Burn*, 490. 13 *E. R.* 320.

If a tenement is let at more per week than will produce £10. a year, yet it will not confer a settlement if the annual value to be let by the year is not £10. a year. 10 *E. R.* 41.

It is not necessary that it should be one entire tenement, for two tenements taken at different times, neither of them alone amounting to £10. annual value, will make a settlement if they are worth £10. a year in the aggregate. 4 *Burn*, 491. Renting jointly, if the moiety be worth £10. a year, gains a settlement. 4 *Burn*, 497. The value of a tenement increased by labour after the letting, cannot be taken into account in estimating the present value. 1 *Mau. and Sel.* 381. It will not prevent a settlement though part of a tenement of the yearly value of £10. be let off to under-tenants. 4 *Burn*, 500.

Though by the General Turnpike Act, and by 54 *Geo. III. c.* 170, a toll-keeper is prevented from acquiring a settlement by keeping the toll-gate, yet he may gain a settlement in the parish in which he keeps the toll by renting a tenement of £10. a year. 5 *E. R.* 333. and the prohibition from gain-

ing a settlement by renting such toll, does not extend to the tolls of a bridge, not being part of the turnpike road. 4 *Burn*, 762. 1 *Mau. and Sel.* 514.

Though no rent is reserved or paid, or a man from kindness settle another in a tenement of £10. a year value, a settlement is gained. 4 *Burn*, 486.

If different tenements are rented together of the value in the whole of £10. a year, a settlement is gained in the parish in which the party resides forty days. 4 *Burn*, 514. and if land is rented of one person at £4. a year and a house of another at £6. a year, in different parishes, the settlement is gained where the house stands.

A foreigner by renting a tenement of £10. a year may gain a settlement. 4 *E. R.* 103.

There must be a residence of forty days to gain a settlement by renting; therefore taking land of whatever value without residence in the parish in which the land lies, gains no settlement. 4 *Burn*, 510. and where forty days' residence is in different parishes, the settlement is gained where the tenant resides the last night. 4 *Burn*, 515. If possession of a tenement be obtained by fraud, it will gain no settlement. 4 *Burn*, 517.

The term for which tenant takes the premises is immaterial, if he reside forty days in the parish in which it is situate; and it makes no difference if taken for the avowed purpose of gaining a settlement, if done without fraud. 2 *Nolan*, 42.

No person shall gain a settlement by reason of

any residence within any parish, while he shall be detained in custody within any such parish on any civil process or for any contempt. 54 *Geo. III. c.* 170. *s.* 4.

No person maintained by any charitable institution shall gain a settlement by residence therein. *s.* 6.

To establish a settlement by occupancy of a tenement of £10. a year, it is necessary to prove—1st. the nature of the tenement;—2nd. the lawful occupation;—3rd. the annual value of £10. during such occupation;—and 4thly. forty days' residence in the parish where he occupies. 2 *Nolan*, 57.

BY ESTATE.

The principle of this settlement is that a man shall not be removed from his own property, but his interest therein must issue out of the *realty* locally situated in the parish where the settlement is sought, therefore living on a *leasehold* estate out of which a person has a rent charge only, confers no settlement. 2 *Nolan*, 59. A residence of forty days either upon a man's own estate or in the parish, is necessary to confer this settlement. 4 *Burn*, 560. and it need not be forty successive days. An estate to which the party is entitled by descent, of whatever value, confers a settlement. 4 *Burn*, 520. but an estate by purchase for a consideration in money, does not gain a settle-

ment, unless such consideration *bona fide* paid, amounts to £30. or upwards. 9 *Geo. I. c. 7, s. 5.* nor does it extend to voluntary conveyances. 2 *Nolan*, 63.

An estate acquired by devise also confers a settlement. *Ibid.* 68. but possession by one entitled to administration, *without taking it out*, gives no settlement; and this differs from the case of an executor who acquires a settlement by possession of a term before probate. 4 *Burn*, 520. and an executor to a tenant under £10. a year gains a settlement by a residence of forty days, though he never proved the will. 4 *Burn*, 504.

A husband may acquire a settlement by possession of an estate which he obtains by marriage in right of his wife. 2 *Nolan*, 70.

A cottage left to live in during life, confers a settlement. 4 *Burn*, 531. the mere right of property is unnecessary to gain a settlement, the right of possession is sufficient. 2 *Nolan*, 71. and the undisturbed possession for twenty years of an estate, however acquired, is not material, and a settlement is gained. *Ibid.* 72. A settlement may be gained by possession of an equitable interest, subject to the same rules as a legal estate. *Ibid.* 74. Mortgagee or possession gains a settlement, but not if in possession wrongfully; so also the mortgagee in possession. 4 *Burn*, 537. A widow entitled to dower, though no assignment of dower is made, gains a settlement by residence on the estate.

An infant residing in the parish in which he has an estate (though not residing on it,) gains a settlement by residence, and is not removable. 2 *Nolan*, 89. A wife cannot be removed from her husband's estate though he ran away. 4 *Burn*, 352.

The proofs necessary to establish a settlement by estate are—1st. that the party had either a legal or equitable interest in possession in lands or tenements within the parish where the settlement is sought;—and 2nd. a residence of forty days in the parish.

BY SERVING A PARISH OFFICE.

This settlement is gained by authority of 3 and 4 *W. III.* c. 11, *s.* 6. which enacts, "That if any person who shall come to inhabit in any parish, &c. shall for himself or on his own account execute any public or annual office during one whole year, he shall be adjudged to have a legal settlement in the same."

It has been determined that serving any of the following offices gains a settlement:—Parish Clerk, Sexton, Churchwarden, Warden of a Borough, Tithingman, Petty Constable, Borsholder, Collector of Land Tax, Collectors of Duties on Births and Burials, by 6 and 7 *W. III.* c. 6. Bailiff or Alecunter for a Borough, and Hog-ringer for the parish. 3 *Nolan*, 552. hence it appears that the office need not be parochial, but it must be a public

and annual office and not a mere employment, as the master of a workhouse or parish schoolmaster. *Ibid.* 555. and the person appointed must execute the duties for a year at least; but by the term annual, the duration of the office is not restricted to a year. A freehold office held for life is an annual office within the meaning of the act; such office must exist within the parish, though it may extend beyond it, and the party gains a settlement in the parish where he resides, if acting as constable for several parishes. 1 *Nolan*, 557. A deputy gains no settlement by serving the office for his principal. 19 *Vin. Abr.* 379.

Though it is not a settled point, yet from analogy with settlements by apprenticeship, hiring, service, &c. it seems that a residence of forty days in the parish in which the office is executed, is necessary to confer this settlement. 1 *Nolan*, 562.

To establish this settlement it is necessary to prove 1st. that the office is annual, of a public nature, and to be executed in the parish;—2nd. that the party was legally placed therein;—3rd. that he served the whole year;—4th. the residence.

BY PAYMENT OF RATES.

This settlement, which was created by 3 *W. III.* c. 11, *s.* 6, is if not virtually repealed rendered nugatory by 35 *Geo. III. c.* 101, by which it is enacted, "That no person shall gain a settlement

by being charged with and paying public taxes in respect of any tenement not being of the yearly value of £10." consequently the payment of taxes if the tenement is under that value, gains no settlement; and if of or above that value, the payment of taxes is immaterial, as the settlement is gained by virtue of the renting, coupled with the residence.

BY CERTIFICATE.

The settlement by certificate is also become obsolete; the act 35 *Geo. III. c.* 101, has made it no longer necessary to grant certificates, as no person can be removed until actually chargeable; nevertheless, as some certificates are in existence, and may still be granted to save trouble, it is necessary briefly to notice the law respecting them.—A parish is not bound to grant a certificate, 2 *Nolan*, 145. it is not necessary to direct it to the parish to which it is delivered. 1 *East*, 438. nor to any parish in particular; it must be under the hands and seals of at least two of the parish officers. 51 *Geo. III. c.* 80. and attested by two or more witnesses. The certificate should be allowed by the magistrates, but they are not ministerially obliged to allow it. It must be delivered to the parish officers at the time of coming into the parish; but though not delivered, it is an acknowledgement of the parish granting it that the pauper was settled there at the time. 5 *T. R.* 154.—A certificate includes any child

born after the granting of it. *B. S. C.* 182. and a certified single woman, being with child, and acknowledged, by the certificate, to be both legally settled in the certifying parish, the child is, notwithstanding its bastardy, removable to the certifying parish. 2 *Bott.* 581, *pl.* 650. but a certificate, unless specifically, as in the above instance, referring to the child in *ventre sa mere*, extends only to legitimate children. 7 *T. R.* 362.

A certificate does not extend to grand-children, nor to children after they are emancipated. 4 *T. R.* 797. but otherwise if the children are *named* in the certificate. 5 *T. R.* 258. and if the party's child is named in it *his* family is included. 8 *T. R.* 448. it does not extend to a child intentionally left out of the certificate, because the parties granting it may limit its operation. 7 *T. R.* 133. It extends to a second wife after the husband's death, even though granted in the first wife's life time. 5 *T. R.* 266.

Where a certificate acknowledges persons to be man and wife, they are precluded from taking advantage of it if it should not be so in fact. 2 *Bott.* 578. *pl.* 636. A certificate is not binding against a subsequent settlement. 2 *Bott.* 576, *pl.* 630. nor does it restrain the party from gaining a settlement in a third parish. 2 *Bott.* 576, *pl.* 630, but a voluntary removal to a third parish does not defeat the certificate. 4 *Burn.* 615.

A certificate does not extend further than to the place where first delivered. 4 *Burn.* 614. An ap-

prentice to a certificated man serving an uncertified one in the same parish gains no settlement. 4 *Burn*, 631.

A certificate is discharged by an estate coming to the certified party, either by descent, devise or purchase, he residing thereon forty days, and also by a removal to another parish by a justices order. 4 *Burn*, 619.

A temporary removal either on business or pleasure, if the party leave his family behind, does not defeat a certificate. 8 *T. R.* 339. but otherwise if the party hath no intention to return. 1 *T. R.* 354. only such part of a certified family can be removed as ask relief. *B. S. C.* 748. An apprentice to a man who had two certificates from the same parish to different parishes, gains a settlement by serving the last forty days in the first certificated parish. 4 *Burn*, 633. The settlement of an apprentice is good, though certificate not delivered. 4 *Burn*, 634. If certificate be granted to the master within forty days after binding, the apprentice gains no settlement, but otherwise if he served forty days before the grant. *Ibid.*

Persons coming into a parish under a certificate must reside there to avail themselves of its operation. 6 *E. R.* 397.

By 3 *Geo. II.* c. 29, overseers removing persons back to their families residing under a certificate and becoming chargeable to the parish to which they shall belong, shall be reimbursed the reasonable

charge of maintaining and removing such persons by the parish to which they are removed, to be settled by one or more justice; which charges if not paid, may be levied by distress and sale of the goods of the churchwardens and overseers to which such certificated person is removed.

To establish a settlement by certificate it is necessary to prove—1st. the identity of the parties;—and 2nd. the due execution and delivery of the certificate.

BY RELIEF.

The fact of a pauper's being relieved is no proof of settlement in the relieving parish, 2 *E. R.* 77. he might have been relieved as casual poor, 8 *E. R.* 498. but if a parish relieves a pauper under circumstances which exclude the supposition of its being given to the party as casual poor, it is evidence of a settlement. 2 *Nolan*, 120. it is however the weakest evidence of settlement, and the relieving parish may rebut such evidence by proving that the person relieved was at the time settled in another place. 12 *E. R.* 553. the strongest presumptive evidence in these cases is where the relief is granted to a family resident in another parish. 15 *E. R.* 350. and to establish the settlement it is necessary to prove that the relief was given to the parties as settled, not as casual poor.

BY ORDER UNAPPEALED FROM.

An order of removal executed and unappealed from, is conclusive on the parish on which such order is made against all the world. 2 *T. R.* 598. 11 *E. R.* 388; and it is equally so if the pauper reside under a certificate. *Cald.* 472. It is also conclusive of a marriage where the woman is removed as married without her supposed husband. 7 *E. R.* 377. and consequently it is evidence of the derivative settlement of after-born children. 6 *T. R.* 615; and if a woman be removed as the wife of A. it is conclusive of the husband's settlement. *Cald.* 497. and if removed as a widow, it is equally conclusive that her husband is settled in the parish. 8 *T. R.* 620. An order unappealed from is only conclusive of the settlement of persons mentioned in it, and their families. 1 *T. R.* 358. but if an order is abandoned, it concludes nothing. 12 *E. R.* 359. Therefore an order so unappealed from, is conclusive of the settlement of those who are affected by it, up to the period at which the parish ought to have appealed, and is only to be superseded by a settlement gained subsequently. 2 *Nolan*, 150.

To support this settlement it is requisite to prove that the order was duly made and executed; but it is not necessary that the party relying upon the order should shew that it was appealed from, as that

fact will be presumed unless the contrary is shewn. 2 *Nolan*, 132.

Having pointed out the various species of settlement, it remains to be shewn who may and who may not acquire settlements. A wife cannot acquire a settlement by any act of her own during coverture, nor a child under seven years of age. 2 *Nolan*, 134. An alien may acquire a settlement by renting and occupying a tenement of £10. a year. *Ibid.* but not by estate, except in very few instances. *Ibid.* 135.

By 35 *Geo. III.* c. 101. s. 4. no act done by any poor person continuing to reside in any parish, &c. under the suspension of an order for their removal, or of a vagrant pass for passing them, shall thereby gain a settlement.

In some cases persons are irremovable, though actually chargeable to the parish in which they reside, for a wife cannot be separated from her husband without consent. 1 *Str.* 554. and if the husband is a foreigner and hath no settlement, the wife shall not be sent to her maiden settlement, though they become chargeable. *Ibid.* but an order to remove them is good, if made by their own consent. 5 *E. R.* 113.

Nor can children, whether legitimate or not, be removed from their parents within the age of nurture. *Cald.* 6. and it has been held that a servant, though actually chargeable, cannot be removed without her master's consent during the contract of

service. 2 *Nolan*, 142. but if a servant is well settled in a parish, and the master become removable, the former cannot be removed with him. 14 *Vin. Abr.* 459.

Persons who reside on their own estate, however acquired or whatever may be the value, are also irremovable, though actually chargeable. 5 *E. R.* 40. A man's wife and family resident upon his or her own estate, or on a tenement of the value of £10. a year, cannot be removed, though the husband reside in another parish. 2 *Nolan*, 143. Persons born in extra-parochial places for which no overseers are appointed, cannot be sent thither as to their place of settlement; nor can the poor who reside there be removed, the justices having no jurisdiction. *Ibid.* A labourer employed by his master to drive his cart into a parish with one load and to return with another, and who broke his leg by accident, which detained him for some time in such parish, by which he was relieved, is to be considered as a casual pauper, and as such not removable. 10 *E. R.* 25.

Though generally all persons are irremovable until they become actually chargeable, yet the statute 35 *Geo. III. c.* 101, has the following exceptions:—1st. persons convicted of larceny or other felony;—2nd. rogues, vagabonds, idle or disorderly persons, and such as shall appear on the oath of one or more credible witnesses to be persons of evil fame or reputed thieves;—3rd. unmarried women

with child, who shall on that account be deemed chargeable; and it extends to those who reside under a certificate. 8 *T. R.* 68. but if a single woman is pregnant she is not removable, if a person of substance; nor a servant maid though pregnant, without her master's consent and her own. 3 *E. R.* 563. and 1 *Nolan*, 388. but if he dismiss her she is then removable.

The removal of the unsettled and chargeable poor is next to be considered, and they may be removed—1st. by an order under 13 and 14 *Car. II. c.* 12. to the place of their last legal settlement;—and 2nd. as vagrants, by a vagrant order or pass warrant.

The order of removal is obtained on the complaint of one of the parish officers; it may be made before a single justice, and it need not be on oath. The pauper should have notice of the complaint, and if he will not attend voluntarily he should be summoned to appear before *two* justices; the principal of the family should be examined, if convenient, but it is not necessary that the evidence as to settlement be conclusive; a fair presumption from the best evidence that can be procured is sufficient to warrant a removal, and it may be made on the examination of the wife alone, though it does not appear that the removing parish used due diligence to find the husband. 2 *Nolan*, 182. If the pauper refuses to attend on a summons, a warrant may be granted; the two justices should take the

examination in writing and on oath, and in each other's presence; but by 49 *Geo. III. c.* 124, *s.* 4, this is dispensed with, if the pauper be sick or infirm, in which case one magistrate may take the examination, and report it to the next petty session, when the magistrates there assembled may adjudge the settlement, and make or suspend the order of removal. If the pauper refuses to answer proper interrogatories, he may be committed until he does answer. 1 *T. R.* 653.

The justices cannot remove more than one family by one order. 2 *Nolan*, 185. and they cannot make an order for removing the same parties while an appeal is pending against a prior order. 2 *Nolan*, 187.

The order of removal should be under hand and seal, dated and signed by two magistrates in each other's presence, and directed to the proper parish officers; but in directing it there is no necessity to mention the tutelary Saint of the parish, as an order directed "To the parish of Poole," instead of "St. James's in Poole," was held good. 7 *E. R.* 466. It must state the authority of those who make it, and that it is on complaint of the parish officers; the justice's examination of the complaint; a *certain* description of the persons removed; that they are chargeable; an adjudication as to their settlement; and it must require the officers of the complaining parish to remove, and those of the parish in which the settlement is adjudged, t

ceive and provide for the pauper. 2 *Nolan*, 189. If the paupers refuse to be removed, a justice's warrant may be obtained to compel them; the person entrusted to remove the paupers, should deliver them with the original order to one of the parish officers directed to receive them, who may be indicted for disobedience, as the only remedy to get rid of the order is by appeal. If the parish neglect to appeal, the duplicate order should be lodged with the clerk of the peace, as a conclusive record of the settlement. 2 *Nolan*, 210. If no appeal, it is conclusive that the settlement of the party is in the parish to which the pauper is sent by the order.

It is not necessary in an order removing a wife, that it should state whether the place to which she is removed, is her maiden settlement, or derived from her husband; it is sufficient to say, that it is her last legal settlement.

A married woman big with child, which will be born a bastard, is removable, the husband being abroad; but not if she is a person of sufficient property, so as to raise a presumption that she is not likely to be burthensome to the parish. Rex *v.* Tibbenham. 48 *Geo. III.*—9 *E. R.* 388.

In an order removing a woman with child of a bastard, it is necessary to state that she is *actually chargeable*; to state that she is with child and unmarried is not sufficient, for though the act says, "that persons so situated shall be deemed to be

actually chargeable," yet this rule is to be understood, *secundum subjectam materiam*, and only operates in the case of the party being chargeable according to the spirit of the act, *viz.* likely to become so from situation and rank in life. 11 *E. R.* 381. An unmarried woman may be removed if with child, though residing under a certificate. 8 *T. R.* 68. Though the master of an apprentice be removable, the apprentice cannot be removed with him. *Sess. Ca.* 211.

The examination of a pauper is not evidence upon an appeal against an order, though the pauper is not to be found. 1 *E. R.* 373. nor the examination of the pauper's husband, he being dead. 2 *E. R.* 54. but by 56 *Geo. III. c.* 10, *s.* 70, two justices may summon any non-commissioned officer or soldier, having a wife or child, to be examined as to his settlement, and such justices shall give an attested copy of such affidavit, which copy shall be evidence as to the settlement, before any justice, or at the sessions.

If the pauper intended to be removed is incapable by reason of sickness, the justices who make the order of removal may suspend it, by indorsement, until the person is recovered, and no act done during the suspension shall confer a fresh settlement; the expenses proved by oath to have been incurred in consequence of the suspension, shall be paid by the parish to which the pauper is removed; and if the parish officers refuse to pay

within three days after demand, and shall not give notice of appeal, one justice may issue a warrant and levy the same by distress, with costs not exceeding 40*s*. 35 *Geo. III. c.* 101. but if the expenses exceed £20. an appeal lies to the next sessions. *s.* 2. Any other justice or justices than those who suspended the order, may order it to be executed and direct the charges to be paid, and the order of suspension shall extend to all the persons named in the order, though one only be incapacitated. 49 *Geo. III. c.* 124.

If a pauper returns to the place he was removed from, without a certificate, he may be committed under the Vagrant Act. 17 *Geo. II. c.* 5. but it seems settled that he must return in a state of vagrancy; the warrant of commitment must define the time for which he is committed, *viz.* any time not exceeding one month to hard labour. There is great uncertainty as to what may be considered a state of vagrancy, and the paucity of legal decisions on this point, renders it necessary for magistrates to exercise the power given them by 13 and 14 *Car. II. c.* 12, and 17 *Geo. II. c.* 5, with great caution.

Certificated persons may be removed on becoming chargeable, and the parish to which they are removed shall pay the reasonable charges of maintaining and removing the paupers, to be allowed by one or more justices. 3 *Geo. II. c* 29.

Vagrant poor cannot be moved by the usual

order, but by a vagrant pass, and they must be convicted of an act of vagrancy before they can be passed to their settlements. A vagrant pass may be signed by one justice, and as there is no adjudication of settlement, the parish to which the pauper is removed, may by an order of removal send him to his last legal settlement, if known, there being no appeal allowed against a vagrant pass. 2 *Nolan*, 213, 14. A vagrant pass may be suspended on account of the sickness of either of the persons intended to be removed, in the same manner as an order of removal. See "*Vagrants.*"

The power of appeal against an order of removal is given to all persons who think themselves aggrieved, therefore the pauper himself may appeal. 4 *Burn*, 707. It must be to the next sessions, and to the general or quarter sessions of the county, &c. wherein the parish, &c. from which the pauper shall be removed doth lie. 13 and 14 *Car. II. c.* 12, *s.* 2. 3 and 4 *W. and M. c.* 11, *s.* 10. and 8 and 9 *Wm. c.* 30. By the next sessions is meant the next possible sessions. 4 *Burn*, 711. but the appeal should be entered and adjourned, if only two days intervene between the making the order and the next sessions. 3 *T. R.* 504. Reasonable notice to be given of appeal, and if the court should not think the notice sufficient, it may adjourn the appeal. 9 *Geo. c.* 7, *s.* 8.

An order not appealed against, is final and conclusive upon the parish to which the paupers are re-

moved, except the justices making the order want jurisdiction; in that case the order is absolutely void, *ab initio*. 4 *Burn*, 719. 8 *T. R.* 178. but it is only conclusive as to those that are mentioned in it and removed. 4 *T. R.* 353. An order of removal may be abandoned without appealing. 12 *E. R.* 359. 4 *Burn*, 721.

If an order be appealed against and reversed, two justices may remove the pauper back to the parish from whence he was sent; but if the order is confirmed, it is conclusive that the appellant's parish is the last legal settlement, and consequently the pauper cannot be removed to any other parish on any settlement gained previous to the former removal; for an order reversed is only conclusive as to the appellant parish, but if reversed merely from defect in form, it is not conclusive on either parish. 2 *Bott.* 702, *pl.* 818. 6 *T. R.* 613.

Though it is usual for the justices to state a special case upon request, yet they are not compelled to do so. 2 *Bott.* 738, *pl.* 887. By 8 and 9 *W. c.* 30, and 9 *Geo. c.* 1, *s.* 9, reasonable costs and maintenance may be allowed by the justices at the sessions.

By 54 *Geo. III. c.* 170, *s.* 9, no inhabitant rated or liable to be rated to any rates of any parish, &c. or holding any office therein, shall be an incompetent witness for or against such parish, &c. in any matter relating to such rates, or touching any order of removal, or in bastardy, &c. And by

s. 10, any paupers ordered to be removed, may be conveyed by any other persons than the churchwardens or overseers.

Justices' Warrant for returning Lists of Overseers.

To W. S. Gent. High Constable of the Hundred of ——, in the said county.

—— to wit. We, two of His Majesty's justices of the peace for the said county, (one whereof is of the quorum) do hereby require you forthwith, on receipt hereof, to issue your warrant to all the petty constables within your said hundred, in the form or to the effect following, [or *as upon this our warrant is indorsed.*]

Given under our hands and seals, the —— day of ——, 1817.

J. C.
S. P.

High Constable's Warrant to Petty Constables.

To the Constable of ——.

—— to wit. By virtue of a precept from two of His Majesty's justices of the peace in and for the said county (one whereof is of the quorum), to me directed, you are hereby required, immediately upon sight hereof, to give notice to all and every the overseers of the poor within your constablewick, that they make out a list in writing of a competent number of substantial householders within their respective districts, and deliver the same to the said justices and other His Majesty's justices of the peace for the said county, at —— in —— in the said county, on —— the —— day of ——, at the hour of —— in the ——noon of the same day; to the end that out of the said list the said justices may appoint other overseers of the poor for the year then next ensuing. And be you then there to certify what you shall have done in the premises. Herein fail you not.

Given under my hand, the —— day of ——, in the year of our Lord 1817.

W. S. High Constable.

Return of the Vestry to the Magistrates.

At a public vestry, held pursuant to notice, on —— the —— day of ——, 1817.

The following persons are returned to His Majesty's justices of the peace acting in and for the hundred [or *division*] of —— in the county of ——, as substantial householders and fit and proper persons to serve the office of overseers of the poor for the parish [*township, hamlet or precinct*] of ——, for the year ensuing.

A. B. } Churchwardens.
C. D. }
E. F. } Overseers.
G. H. }
J. K. &c. Inhabitants.

Overseers' Appointment.

—— to wit. We, two of His Majesty's justices of the peace in and for the county of —— (one whereof is of the quorum), do hereby nominate and appoint A. B. and C. D. being substantial householders of the parish [*township or precinct*] of —— in the said county, to be overseers of the poor of the said parish [*township or precinct*], according to the direction of the statute in that case made and provided.

Given under our hands and seals, the —— day of ——, 1817.

J. C.
S. P.

[This appointment must be signed, sealed and delivered on the 25th of March, or within fourteen days after, and it is usual to add to it an abstract of the duties of overseers.]

Form of a Rate or Assessment for the Relief of the Poor.

An assessment for the necessary Relief of the poor, and for the other purposes in the several acts of parliament relating to the poor for the parish [*township* or *precinct*] of —— in the county of ——, being the first [*second* or *third*, *as the case may be*] rate of —— in the pound, for the present year, 1817.

Rent.	Occupier.	Property Assessed.	Rate.
£100	A. B.	120 acres of land in South Field,	£5 0 0
50	C. D.	Dwelling house and garden, ...	2 10 0

Assessors, { A. B. / C. D. } Churchwardens. { E. F. / G. H. } Overseers.

Justices' allowance thereof.

We, two of His Majesty's justices of the peace in and for the said county (one whereof is of the quorum), do consent unto and allow the foregoing assessment.

Witness our hands, the —— day of ——, 1817.

J. C.
S. P.

Notice of Appeal against a Poor's Rate.

To the Churchwardens and Overseers of the Poor of the parish of —— in the county of ——.

Take Notice, That I, A. B. an inhabitant of, and occupier of messuages, lands, tenements and hereditaments in the parish of ——, do intend to enter and prosecute an appeal at the next general quarter sessions of the peace, to be held at —— in and for the said county of ——, on —— the —— day of —— next, against a rate or assessment made by you, and allowed by J. C. and S. P. Esquires, two of His Majesty's justices of the peace in and for the said county, being the first

rate of —— in the pound upon the inhabitants of the said parish of ——, for the relief of the poor of the said parish, for the year 1817, and which rate is dated the —— day of —— last. And I do hereby further give you notice, that my objections to the said rate and my reasons for appealing therefrom are, that I am by the said rate assessed for the rateable property occupied by me in the said parish at a larger sum of money than I ought to be assessed at in respect of the actual annual value of the same: And that I am by the said rate assessed for the rateable property which I occupy at a larger sum than I ought to be, in comparison with the sums at which A. B. C. D. &c. are respectively rated for the rateable property which they respectively occupy in the said parish: And for that the said A. B. C. D. &c. are assessed at less sums respectively than they ought to be assessed at for the rateable property which they respectively occupy, both in respect of the actual annual value thereof and in comparison with the sum at which I am assessed: And for that you have left out and omitted in the said rate, the names of E. F. and G. H. persons occupying rateable property within the said parish, and have neglected to rate, charge and assess them, to wit, the said E. F. for a messuage, tenement or dwelling house, situate at —— within the said parish of ——; and the said G. H. for a piece or parcel of land, situate at —— in the said parish; and for that the said rate is in other respects unequal, unjust, defective and informal. Dated this —— day of ——, 1817.

A. B.

Notice of Appeal to the Parties whose Names are omitted in the Rate, or whose Property is compared with Appellant's, by Stat. 41 Geo. III. c. 23.

To E. F. and G. H.

Take Notice, That I, A. B. an inhabitant and occupier of &c. do intend to enter and prosecute an appeal at the next general quarter sessions of the peace, to be held &c. against a rate or assessment made by the churchwardens and overseers of the poor of the said parish of ——, and allowed by J. C. and S. P. Esquires, two of His Majesty's justices of the peace &c. being the first rate of —— in the pound upon the

inhabitants of the said parish of ——, for the relief of the poor of the said parish, for the year 1817, and dated the —— day of —— last; and I do hereby further give you notice, that my objections to the said rate are, that the several names of you, the said E. F. and G. H. being persons occupying rateable property within the said parish are wholly omitted and left out of the said rate, and that no part of the rateable property which you and each of you severally and respectively occupy within the said parish of —— is rated or assessed in the said rate or assessment for the relief of the poor of the said parish. [*Or, state the other causes of appeal as far as affects the party, as in the notice.*] Dated the —— day of ——, 1817.

A. B.

Petition of Appeal against a Poor's Rate.

To the worshipful His Majesty's Justices of the Peace for the county of ——, in their General Quarter Session of the Peace assembled.

THE PETITION AND APPEAL of A. B. an Inhabitant assessed to the Poor's Rate of the parish of —— in the said county.

SHEWETH,

THAT a rate or assessment was made on or about the —— day of —— last past, and published or said to be published in the church of the said parish on or about Sunday the —— day of —— last, by the churchwardens and overseers of the poor of the said parish of ——, for the relief of the poor of the said parish, and for other the purposes therein mentioned, by virtue whereof your petitioner and other inhabitants of the said parish are charged and assessed in divers large sums of money for the purposes aforesaid.

THAT your petitioner is in and by the said rate assessed for the rateable property occupied by him in the said parish at a larger sum of money than he ought to be assessed at in respect of the annual value of the same; and also that your petitioner [*state the other causes of appeal as in the notice*].

THAT the names of E. F. and G. H. persons occupying rateable property in the said parish are omitted in the

said rate or assessment, and are not charged or assessed in the said rate for two messuages, tenements or dwelling-houses which they respectively occupy within the said parish of ——.

YOUR PETITIONER therefore conceiving himself to be aggrieved by the said rate or assessment, doth hereby appeal to your worships against the same, and requests that a day may be appointed in this present session for the hearing and determining the said appeal, and that you will thereupon quash the said rate, or alter and amend the same in such manner, and grant to your petitioner such relief in the premises, as to you shall seem meet.

And your Petitioner will pray &c.

W. T. Solicitor for the Petitioner.

Order for hearing.

—— to wit. At the general quarter sessions of the peace of our Lord the King, holden in and for the county of ——, at the sessions house for the said county, on —— the —— day of ——, in the 57th year of the reign of our Sovereign Lord George the Third, by the grace of God of the united kingdom of Great Britain and Ireland King, Defender of the Faith, and in the year of our Lord 1817.

IT IS ORDERED by this court that the churchwardens and overseers of the poor of the parish of —— in this county, have notice of the within appeal, and that they and all persons concerned do attend this court at the session house aforesaid, on —— next, the —— day of —— instant, at the hour of nine in the forenoon of the same day, to hear and abide the judgment and determination of the said court touching the said appeal.

By the Court,

S——.

Justices' Precept to summon Defaulters to Poor's Rate.

To the Churchwardens and Overseers of the Poor of the parish of —— in the county of ——, and to the Constables of the said parish.

—— to wit. Whereas complaint hath been made unto us whose hands and seals are hereunto set, two of His Majesty's justices of the peace for the said county of ——, by the churchwardens and overseers of the poor of the parish of —— aforesaid, that the several persons hereunder named, inhabitants of the said parish, (being duly rated and assessed the several sums of money to their respective names set, for and towards the necessary relief of the poor of the said parish) have neglected or refused to pay the said several sums, notwithstanding the same have been duly and respectively demanded of them.

These are therefore to charge and command you, that you or some of you, do forthwith summon and warn the said several persons hereunder named, personally to be and appear before us and other His Majesty's justices of the peace for the said county, on —— the —— day of ——, at ——, by —— o'clock in the ——noon, to shew cause why they refuse to pay the said several sums so assessed on them, as aforesaid; otherwise warrants of distress for levying the same, as the law directs, will be made out against them.

Given under our hands and seals, this —— day of ——, 1817.

J. C.
S. P.

Persons to be Summoned.

A. B. &c.

Summons on the above Precept.

To A. B. of the parish of —— in the said county.

—— to wit. By virtue of a warrant to me directed, under the hands and seals of J. C. and S. P. Esquires, two of His

Majesty's justices of the peace for the county of ——, I do hereby summon you personally to be and appear before —— and such of His Majesty's justices of the peace for the said county as shall be assembled on —— the —— day of ——, at ——, by —— of the clock in the ——noon, to shew cause why you refuse to pay the rate or assessment made for the relief of the poor of the parish of —— for the year 1817, being the sum of ——, otherwise a warrant of distress for levying the same as the law directs will be made out against you. Dated this —— day of ——, in the year of our Lord 1817.

C. D.

Common Poor's Rate Summons.

To A. B. of the parish of —— in the county of ——.

—— to wit. We whose names are hereunto set and seals affixed, two of His Majesty's justices of the peace in and for the said county (one whereof is of the quorum), do hereby summon you personally to appear before us at —— in the said county, on —— the —— day of ——, at the hour of —— in the ——noon of the same day, to shew cause why you refuse to pay the sum of ——, being the rate or assessment made for the relief of the poor of the said parish, dated the —— day of ——, otherwise we shall proceed as if you had appeared.

Given under our hands and seals, this —— day of ——, in the year of our Lord 1817.

J. C.
S. P.

Distress Warrant for the Rate.

To the Churchwardens and Overseers of the Poor of the parish of —— in the county of ——.

—— to wit. Whereas in and by a rate and assessment made, assessed, allowed and published according to the statute in that case made and provided, A. B. an inhabitant and occupier of a house [or *land*] in the said parish of —— was duly rated and assessed for and towards the necessary relief of the poor of the said parish, for the present year, the sum of ——,

And whereas it duly appeareth unto us, two of His Majesty's justices of the peace in and for the said county (one whereof is of the quorum), as well upon the oath of C. D. overseer of the poor of the said parish, as otherwise, that the said sum hath been lawfully demanded by him, but that the said A. B. hath refused, and doth refuse to pay the same. And whereas, the said A. B. having appeared before us in pursuance of our summons for that purpose, hath not shewn us any sufficient cause why the same should not be paid [*or, it hath been duly made appear to us on the oath of C. D. that the said A. B. hath been duly summoned to appear before us the said justices, to shew cause why the same should not be paid, but he the said A. B. hath neglected to appear in pursuance of such summons, nor hath he shewn us any sufficient cause why the same should not be paid*]; these are therefore to require you forthwith to make distress of the goods and chattels of the said A. B. and if within the space of —— days next after such distress by you taken, the said sum of ——, together with the reasonable charges of taking and keeping the said distress, shall not be paid, that then you do sell the said goods and chattels so by you distrained, and out of the money arising by the sale thereof that you detain the said sum, and also the reasonable charges of taking, keeping and selling the said distress, rendering the overplus, on demand, unto the said A. B. And if no such distress can be made, that then you certify the same unto us, to the end that such further proceedings may be had therein as to the law doth appertain.

Given under our hands and seals, this —— day of ——, in the year of our Lord 1817.

J. C.
S. P.

Indorsement on a Distress Warrant, to be executed in another County.

Forasmuch as proof upon oath hath been made before me, J. B. Esq. one of His Majesty's justices of the peace for the county of ——, that the names J. C. and S. P. are of the respective hands writing of the justices of the peace within mentioned, I do hereby authorise C. D. who bring-

eth to me this warrant, and all other persons to whom the said warrant is directed, to execute the same within the county of ——.

Given under my hand and seal, the —— day of ——, 1817.

J. B.

Complaint for Church Rate.

To J. C. and S. P. Esquires, two of His Majesty's Justices of the Peace in and for the county of ——.

—— to wit. A. B. and C. D. churchwardens of the parish of —— in the county of ——, make oath and say, That E. F. of the said parish of —— hath refused, and still doth refuse to pay to them the said A. B. and C. D. as such churchwardens as aforesaid, the sum of ——, being the sum duly rated and assessed in the churchwardens' rate, made the —— day of —— last, and which is now justly due from him the said E. F. unto them the said A. B. and C. D. as such churchwardens as aforesaid. The said complainants therefore pray such redress in the premises as to the law doth appertain.

Exhibited before us, the
—— day of —— 1817.

[This complaint may be exhibited to one justice, but it must be heard and determined by two or more; and one churchwarden may prefer it; if so, the precedents must be altered accordingly.]

Summons thereon.

To the Constables and other His Majesty's Officers of the Peace for the county of ——.

—— to wit. Whereas E. F. of the parish of —— in the county of ——, ——, hath refused to pay unto A. B. and C. D. churchwardens of the parish aforesaid, the sum of ——, duly rated and assessed in the churchwardens' rate

made the —— day of ——, in the year of our Lord 1817, which is now justly due from the said E. F. unto the said A. B. and C. D. as such churchwardens as aforesaid.— These are, therefore, to authorize and require you forthwith to summon the said E. F. to appear before us, at —— in the said county of ——, on —— the —— day of ——, at the hour of eleven in the forenoon of the same day, to answer unto the said complaint: And be you then there, to certify what you shall have done in the premises.

Given under our hands and seals, at —— in the said county, the —— day of ——, 1817.

Order to pay.

—— to wit. Whereas complaint hath been made unto us J. C. and S. P. Esquires, two of His Majesty's justices of the peace in and for the said county, by A. B. and C. D. churchwardens of the parish of —— in the said county, That E. F. of —— aforesaid, in the county aforesaid, hath refused to pay the sum of ——, duly rated and assessed in the churchwardens' rate, made the —— day of ——, in the year of our Lord 1817, and justly due unto them the said A. B. and C. D. We therefore the said justices, being neither of us patrons of the parish church of —— aforesaid, nor any way interested in any of the rights, dues or other payments belonging to the parish church of —— aforesaid, having duly summoned the said E. F. before us, and having also duly examined the truth of the said complaint upon oath, do find that there is justly due the aforesaid sum of —— from him the said E. F. to them the said A. B. and C. D. as such churchwardens as aforesaid; and we do hereby order and appoint the aforesaid E. F. to pay or cause to be paid unto them the said A. B. and C. D. or one of them, the aforesaid sum of ——; and we do also order and appoint the aforesaid E. F. to pay or cause to be paid unto them the said A. B. and C. D. or one of them, the further sum of ——, for their costs and charges concerning the premises, as upon the merits of the cause do appear to us just and reasonable.

Given under our hands and seals, at —— in the said county, the —— day of ——, in the year 1817.

Distress Warrant for Non-Payment.

To the Constable of ——.

—— to wit. Whereas upon the complaint of A. B. and C. D. churchwardens of the parish of —— in the said county, E. F. of the parish of —— aforesaid in the county aforesaid, hath been duly summoned to appear before us J. C. and S. P. Esquires, two of His Majesty's justices of the peace in and for the said county, to answer the said complaint for non-payment of churchwardens' rate, due unto them the said A. B. and C. D. from him the said E. F. And whereas we the said justices have by a writing under our hands and seals ordered him the said E. F. to pay unto them the said A. B. and C. D. or one of them, the sum of ——, duly rated and assessed in the churchwardens' rate, made the —— day of ——, 1817, and justly due unto them the said A. B. and C. D. as such churchwardens as aforesaid, together with the sum of —— for the charges of them the said A. B. and C. D. in recovering the same, making in the whole the sum of ——. And whereas it appeareth unto us the said J. C. and S. P. neither of us being patrons of the parish church of —— aforesaid, nor any way interested in any of the rights, dues or payments belonging to the parish church of —— aforesaid, that the said E. F. hath had due notice of the said order, but hath refused and doth refuse to pay, and hath not paid the said sum of ——, nor any part thereof. These are therefore to authorize and command you, that you do forthwith levy the aforesaid sum of —— by distress and sale of the goods and chattels of him the said E. F. and out of the money arising from such sale, that you do pay or cause to be paid unto the said A. B. and C. D. or one of them, the said sum of ——, and thereout also deduct your necessary charges of distraining; and if any overplus shall remain after such payment and deduction as aforesaid, that you do render the same unto him the said E. F.

Given under our hands and seals, &c.

[Though the complaint must be heard by two justices, the summons and distress warrant may be issued by one justice only.]

Warrant to apprehend a Man for deserting his Family and leaving them chargeable.

To all Constables and others His Majesty's Officers of the Peace for the county of ——.

—— to wit. Forasmuch as A. B. one of the overseers of the poor of the parish of —— in the said county, hath this day made information and complaint upon oath, before me, S. P. Esq. one of His Majesty's justices of the peace in and for the said county, that E. F. late of —— in the said county, yeoman, hath run away and left his wife and children, whereby they are become chargeable to the said parish of ——, and thereby committed an act of vagrancy. These are therefore to command you, in His said Majesty's name, forthwith to apprehend and bring before me the body of the said E. F. to answer unto the said complaint, and to be further dealt with according to law. Herein fail you not.

Given under my hand this —— day of ——, in the year of our Lord 1817.

S. P.

Conviction thereon. See "*Vagrants.*"

Order to seize the Goods and receive the Rents of the Lands of Persons deserting their Families.

—— to wit. Whereas it appears unto us whose names are hereunto set and seals affixed, two of His Majesty's justices of the peace for the said county, as well upon the complaint and application of the churchwardens and overseers of the poor of the parish of —— in the said county, that A. B. late of the parish of —— aforesaid, yeoman, hath gone away from his place of abode at —— in the parish aforesaid, into some other county or place, and hath left Sarah his wife, and William, Sarah and Elizabeth, their children, chargeable to the said parish of —— the place of their last legal settlement; and that

the said A. B. hath an estate situate at ——, consisting of —— whereby to ease the said parish of the said charge in whole or in part, we do hereby authorize and command you the said churchwardens and overseers of the poor of the said parish of —— to take and seize [*describe the property*] of his goods and chattels, and to receive so much, *viz.* [*name the sum*] of the annual rents and profits of the lands and tenements of him the said A. B. at —— aforesaid [*if the order is to receive the rent of lands, say until further order made*], for and towards the discharging of the said parish, for the providing and bringing up of his said wife and children. And with this warrant you are to appear at the next quarter sessions of the peace to be holden for the said county, that this order may be then and there confirmed, according to the directions of the statute in that case made and provided.

Given under our hands and seals, at ——, in the said county, the —— day of ——, 1817.

J. C.
S. P.

Notice from the Overseers of the Poor to the Father of a Poor Person, of an intended application to the Sessions for an Order of Maintenance.

To Mr. A. B.

Take notice that the overseers of the poor of the parish of —— in the county of ——, do intend to make application to the next general quarter sessions of the peace, to be holden in and for the county of ——, for an order of sessions on you to pay such weekly sum for and towards the relief of C. B. your son, a poor person of the said parish of —— and unable to work, and now chargeable to the said parish, as the said court of quarter sessions shall think fit. Dated the —— day of ——, 1817.

E. F.
One of the Overseers of the Poor of the Parish of ——.

Affidavit of a Pauper requiring Relief.

A. B. of —— in the parish of —— in the county of ——, maketh oath and saith, that he is very poor and impotent, and incapable of providing for himself and family; and that on the —— day of —— last he did apply for relief to the parishioners of the said —— at a public vestry [or *meeting*, or *to E. F. and G. H. two of the overseers of the poor of the said parish*], and was by them refused to be relieved.

A. B.

Sworn before me, the —— day of ——, 1817.

S. P.

Precept to summon Overseers for refusing Relief.

To the Constables of the parish of —— in the county of ——.

—— to wit. Whereas A. B. of your parish, hath this day made oath before me, one of His Majesty's justices of the peace in and for the said county, that he is very poor and impotent, and not able to provide for himself and his family, and that he hath duly applied to the overseers of the poor of the said parish to be relieved, but that they have refused to relieve him; these are therefore to require you, in His Majesty's name, to summon E. F. and G. H. two of the overseers of the poor of the said parish to appear before me on —— the —— day of ——, at —— in the said county, at the hour of —— in the ——noon, to shew cause why relief should not be given to the said poor person; and be you then there with this precept to certify what you shall have done in the execution thereof.

Given under my hand and seal, this —— day of ——, in the year of our Lord 1817.

S. P.

said rate or assessment, and are not charged or assessed in the said rate for two messuages, tenements or dwelling-houses which they respectively occupy within the said parish of ——.

YOUR PETITIONER therefore conceiving himself to be aggrieved by the said rate or assessment, doth hereby appeal to your worships against the same, and requests that a day may be appointed in this present session for the hearing and determining the said appeal, and that you will thereupon quash the said rate, or alter and amend the same in such manner, and grant to your petitioner such relief in the premises, as to you shall seem meet.

And your Petitioner will pray &c.

W. T. Solicitor for the Petitioner.

Order for hearing.

—— to wit. At the general quarter sessions of the peace of our Lord the King, holden in and for the county of ——, at the sessions house for the said county, on —— the —— day of ——, in the 57th year of the reign of our Sovereign Lord George the Third, by the grace of God of the united kingdom of Great Britain and Ireland King, Defender of the Faith, and in the year of our Lord 1817.

IT IS ORDERED by this court that the churchwardens and overseers of the poor of the parish of —— in this county, have notice of the within appeal, and that they and all persons concerned do attend this court at the session house aforesaid, on —— next, the —— day of —— instant, at the hour of nine in the forenoon of the same day, to hear and abide the judgment and determination of the said court touching the said appeal.

By the Court,

S——.

Justices' Precept to summon Defaulters to Poor's Rate.

To the Churchwardens and Overseers of the Poor of the parish of —— in the county of ——, and to the Constables of the said parish.

—— to wit. Whereas complaint hath been made unto us whose hands and seals are hereunto set, two of His Majesty's justices of the peace for the said county of ——, by the churchwardens and overseers of the poor of the parish of —— aforesaid, that the several persons hereunder named, inhabitants of the said parish, (being duly rated and assessed the several sums of money to their respective names set, for and towards the necessary relief of the poor of the said parish) have neglected or refused to pay the said several sums, notwithstanding the same have been duly and respectively demanded of them.

These are therefore to charge and command you, that you or some of you, do forthwith summon and warn the said several persons hereunder named, personally to be and appear before us and other His Majesty's justices of the peace for the said county, on —— the —— day of ——, at ——, by —— o'clock in the ——noon, to shew cause why they refuse to pay the said several sums so assessed on them, as aforesaid; otherwise warrants of distress for levying the same, as the law directs, will be made out against them.

Given under our hands and seals, this —— day of ——, 1817.

J. C.
S. P.

Persons to be Summoned.

A. B. &c.

Summons on the above Precept.

To A. B. of the parish of —— in the said county.

—— to wit. By virtue of a warrant to me directed, under the hands and seals of J. C. and S. P. Esquires, two of His

Majesty's justices of the peace for the county of ——, I do hereby summon you personally to be and appear before —— and such of His Majesty's justices of the peace for the said county as shall be assembled on —— the —— day of ——, at ——, by —— of the clock in the ——noon, to shew cause why you refuse to pay the rate or assessment made for the relief of the poor of the parish of —— for the year 1817, being the sum of ——, otherwise a warrant of distress for levying the same as the law directs will be made out against you. Dated this —— day of ——, in the year of our Lord 1817.

C. D.

Common Poor's Rate Summons.

To A. B. of the parish of —— in the county of ——.

—— to wit. We whose names are hereunto set and seals affixed, two of His Majesty's justices of the peace in and for the said county (one whereof is of the quorum), do hereby summon you personally to appear before us at —— in the said county, on —— the —— day of ——, at the hour of —— in the ——noon of the same day, to shew cause why you refuse to pay the sum of ——, being the rate or assessment made for the relief of the poor of the said parish, dated the —— day of ——, otherwise we shall proceed as if you had appeared. Given under our hands and seals, this —— day of ——, in the year of our Lord 1817.

J. C.
S. P.

Distress Warrant for the Rate.

To the Churchwardens and Overseers of the Poor of the parish of —— in the county of ——.

—— to wit. Whereas in and by a rate and assessment made, assessed, allowed and published according to the statute in that case made and provided, A. B. an inhabitant and occupier of a house [or *land*] in the said parish of —— was duly rated and assessed for and towards the necessary relief of the poor of the said parish, for the present year, the sum of ——,

And whereas it duly appeareth unto us, two of His Majesty's justices of the peace in and for the said county (one whereof is of the quorum), as well upon the oath of C. D. overseer of the poor of the said parish, as otherwise, that the said sum hath been lawfully demanded by him, but that the said A. B. hath refused, and doth refuse to pay the same. And whereas, the said A. B. having appeared before us in pursuance of our summons for that purpose, hath not shewn us any sufficient cause why the same should not be paid [*or, it hath been duly made appear to us on the oath of C. D. that the said A. B. hath been duly summoned to appear before us the said justices, to shew cause why the same should not be paid, but he the said A. B. hath neglected to appear in pursuance of such summons, nor hath he shewn us any sufficient cause why the same should not be paid*]; these are therefore to require you forthwith to make distress of the goods and chattels of the said A. B. and if within the space of —— days next after such distress by you taken, the said sum of ——, together with the reasonable charges of taking and keeping the said distress, shall not be paid, that then you do sell the said goods and chattels so by you distrained, and out of the money arising by the sale thereof that you detain the said sum, and also the reasonable charges of taking, keeping and selling the said distress, rendering the overplus, on demand, unto the said A. B. And if no such distress can be made, that then you certify the same unto us, to the end that such further proceedings may be had therein as to the law doth appertain.

Given under our hands and seals, this —— day of ——, in the year of our Lord 1817.

J. C.
S. P.

Indorsement on a Distress Warrant, to be executed in another County.

Forasmuch as proof upon oath hath been made before me, J. B. Esq. one of His Majesty's justices of the peace for the county of ——, that the names J. C. and S. P. are of the respective hands writing of the justices of the peace within mentioned, I do hereby authorise C. D. who bring-

eth to me this warrant, and all other persons to whom the said warrant is directed, to execute the same within the county of ——.

Given under my hand and seal, the —— day of ——, 1817.

J. B.

Complaint for Church Rate.

To J. C. and S. P. Esquires, two of His Majesty's Justices of the Peace in and for the county of ——.

—— to wit. A. B. and C. D. churchwardens of the parish of —— in the county of ——, make oath and say, That E. F. of the said parish of —— hath refused, and still doth refuse to pay to them the said A. B. and C. D. as such churchwardens as aforesaid, the sum of ——, being the sum duly rated and assessed in the churchwardens' rate, made the —— day of —— last, and which is now justly due from him the said E. F. unto them the said A. B. and C. D. as such churchwardens as aforesaid. The said complainants therefore pray such redress in the premises as to the law doth appertain.

Exhibited before us, the
—— day of —— 1817.

[This complaint may be exhibited to one justice, but it must be heard and determined by two or more; and one churchwarden may prefer it; if so, the precedents must be altered accordingly.]

Summons thereon.

To the Constables and other His Majesty's Officers of the Peace for the county of ——.

—— to wit. Whereas E. F. of the parish of —— in the county of ——, ——, hath refused to pay unto A. B. and C. D. churchwardens of the parish aforesaid, the sum of ——, duly rated and assessed in the churchwardens' rate

made the —— day of ——, in the year of our Lord 1817, which is now justly due from the said E. F. unto the said A. B. and C. D. as such churchwardens as aforesaid.— These are, therefore, to authorize and require you forthwith to summon the said E. F. to appear before us, at —— in the said county of ——, on —— the —— day of ——, at the hour of eleven in the forenoon of the same day, to answer unto the said complaint: And be you then there, to certify what you shall have done in the premises.

Given under our hands and seals, at —— in the said county, the —— day of ——, 1817.

Order to pay.

—— to wit. Whereas complaint hath been made unto us J. C. and S. P. Esquires, two of His Majesty's justices of the peace in and for the said county, by A. B. and C. D. churchwardens of the parish of —— in the said county, That E. F. of —— aforesaid, in the county aforesaid, hath refused to pay the sum of ——, duly rated and assessed in the churchwardens' rate, made the —— day of ——, in the year of our Lord 1817, and justly due unto them the said A. B. and C. D. We therefore the said justices, being neither of us patrons of the parish church of —— aforesaid, nor any way interested in any of the rights, dues or other payments belonging to the parish church of —— aforesaid, having duly summoned the said E. F. before us, and having also duly examined the truth of the said complaint upon oath, do find that there is justly due the aforesaid sum of —— from him the said E. F. to them the said A. B. and C. D. as such churchwardens as aforesaid; and we do hereby order and appoint the aforesaid E. F. to pay or cause to be paid unto them the said A. B. and C. D. or one of them, the aforesaid sum of ——; and we do also order and appoint the aforesaid E. F. to pay or cause to be paid unto them the said A. B. and C. D. or one of them, the further sum of ——, for their costs and charges concerning the premises, as upon the merits of the cause do appear to us just and reasonable.

Given under our hands and seals, at —— in the said county, the —— day of ——, in the year 1817.

Distress Warrant for Non-Payment.

To the Constable of ——.

—— to wit. Whereas upon the complaint of A. B. and C. D. churchwardens of the parish of —— in the said county, E. F. of the parish of —— aforesaid in the county aforesaid, hath been duly summoned to appear before us J. C. and S. P. Esquires, two of His Majesty's justices of the peace in and for the said county, to answer the said complaint for non-payment of churchwardens' rate, due unto them the said A. B. and C. D. from him the said E. F. And whereas we the said justices have by a writing under our hands and seals ordered him the said E.F. to pay unto them the said A. B. and C. D. or one of them, the sum of ——, duly rated and assessed in the churchwardens' rate, made the —— day of ——, 1817, and justly due unto them the said A. B. and C. D. as such churchwardens as aforesaid, together with the sum of —— for the charges of them the said A. B. and C. D. in recovering the same, making in the whole the sum of ——. And whereas it appeareth unto us the said J. C. and S. P. neither of us being patrons of the parish church of —— aforesaid, nor any way interested in any of the rights, dues or payments belonging to the parish church of —— aforesaid, that the said E. F. hath had due notice of the said order, but hath refused and doth refuse to pay, and hath not paid the said sum of ——, nor any part thereof. These are therefore to authorize and command you, that you do forthwith levy the aforesaid sum of —— by distress and sale of the goods and chattels of him the said E. F. and out of the money arising from such sale, that you do pay or cause to be paid unto the said A. B. and C. D. or one of them, the said sum of ——, and thereout also deduct your necessary charges of distraining; and if any overplus shall remain after such payment and deduction as aforesaid, that you do render the same unto him the said E. F.

Given under our hands and seals, &c.

[Though the complaint must be heard by two justices, the summons and distress warrant may be issued by one justice only.]

Warrant to apprehend a Man for deserting his Family and leaving them chargeable.

To all Constables and others His Majesty's Officers of the Peace for the county of ——.

—— to wit. Forasmuch as A. B. one of the overseers of the poor of the parish of —— in the said county, hath this day made information and complaint upon oath, before me, S. P. Esq. one of His Majesty's justices of the peace in and for the said county, that E. F. late of —— in the said county, yeoman, hath run away and left his wife and children, whereby they are become chargeable to the said parish of ——, and thereby committed an act of vagrancy. These are therefore to command you, in His said Majesty's name, forthwith to apprehend and bring before me the body of the said E. F. to answer unto the said complaint, and to be further dealt with according to law. Herein fail you not.

Given under my hand this —— day of ——, in the year of our Lord 1817.

S. P.

Conviction thereon. See "*Vagrants.*"

Order to seize the Goods and receive the Rents of the Lands of Persons deserting their Families.

—— to wit. Whereas it appears unto us whose names are hereunto set and seals affixed, two of His Majesty's justices of the peace for the said county, as well upon the complaint and application of the churchwardens and overseers of the poor of the parish of —— in the said county, that A. B. late of the parish of —— aforesaid, yeoman, hath gone away from his place of abode at —— in the parish aforesaid, into some other county or place, and hath left Sarah his wife, and William, Sarah and Elizabeth, their children, chargeable to the said parish of —— the place of their last legal settlement; and that

Transfer of the Security for Money Borrowed.

I do transfer this security, with all my right and title to the principal money hereby secured, and to all interest now due or hereafter to be due, unto A. B. his executors, administrators and assigns. Dated the —— day of ——, 1817.

C. D.

Rules, Orders, Bye-Laws and Regulations to be observed and enforced at every Poor-House to be provided under the authority of 22 Geo. III. c. 83, *but which may be adopted by other Parishes,* by 49 Geo. III. c. 124.

FIRST. That the several persons who shall be sent to any such poor-house, who are capable of doing any work, shall be employed by the governor in some labour which may be best suited to their strength and capacity.

SECOND. That the governor shall take particular care to keep the said house and the several apartments therein, and also the several persons who shall inhabit the same, clean and wholesome; and for that purpose he shall employ such of the said poor persons who shall be sent thither, whom he shall think most able and best qualified for the offices, to assist him therein, and also in the providing and dressing victuals for the use of such poor persons; and if any such poor person shall refuse or neglect to perform the work or labour in which he or she shall be employed or shall be directed to do by the governor, every such person shall be punished by confinement or alteration of diet, in such manner as the governor shall direct; and for a second offence of the like sort, complaint thereof shall be made to some justices of the peace for the limit, who, on conviction, shall commit such person to the house of correction for any time not exceeding two calendar months nor less than one calendar month.

THIRD. That the apartments in the house or houses to be provided as aforesaid, shall be adapted so as to accommodate the poor who shall be sent thither in the best manner they are capable. That the governor shall place in the best apart-

ments such poor persons who, having been creditable housekeepers, are reduced by misfortune, in preference to those who are become poor by vice and idleness; and that separate apartments shall be provided for the reception of the sick and distempered poor, and an apothecary or surgeon be sent for to attend them, when there shall appear necessity for it, at the expense of the parish or place to which such poor persons belong.

FOURTH. That such poor persons who are liable to work, shall be called up by ring of bell, and set to work by six in the morning from Lady-day to Michaelmas, and by eight from Michaelmas to Lady-day, and continue till four in the afternoon from Michaelmas to Lady-day, and from Lady-day to Michaelmas till six in the afternoon (meal times and times for reasonable recreation excepted); and if any such poor person should refuse or neglect to do such work as shall be allotted him or her, or wilfully spoil the same, or depart from such house without leave from the governor, or shall be guilty of any disorder or disobedience to these rules and orders, the governor shall reprove such person for the same, and punish him or her by confinement or alteration of diet as the said governor shall think fit; and if such person shall be guilty of the like offence a second time, the governor shall complain thereof to the visitor of such house who is hereby authorized to order the punishment of confinement to be increased to such degree as he shall think fit.

FIFTH. That the governor shall enter in a book to be kept by him, an account of the household goods, linen, furniture and utensils provided for the said house; and also an account of the materials bought for manufacture, and of the goods manufactured there, which shall be laid before the guardians at their monthly meeting, and before the visitor whenever he comes to such house.

SIXTH. That the governor shall visit the several persons maintained in such house or houses, and their apartments, once at least in every day, and shall take care that there is no waste of fire, candles or provisions, and shall see that the fires and candles are put out at the hours fixed for such persons going to bed, which shall be at eight of the clock between Michaelmas and Lady-day, and nine between Lady-day and Michaelmas.

SEVENTH. That when any person shall die in the house, the governor shall take care that the body of such per-

son be immediately removed into some separate apartment, and be decently buried as soon as conveniently may be; and also take care of the cloaths and goods of such person, and deliver them to the guardian of the poor of the parish or place to which such person did belong, who is to pay the charges of the funeral of such poor person.

EIGHTH. That no poor person be permitted to go out of the poor-house, nor any person be permitted to come into such house or houses, except the persons maintained or employed there, without the permission of the governor; and that no spirituous liquors be permitted to be drank in such house or houses; and that no other liquor shall be brought thither, without permission of the said governor.

NINTH. That the rules and bye-laws shall be publicly read by the governor to all the poor persons kept in such house or houses, once at least in every month.

TENTH. That all the poor persons able to go to church shall attend Divine Service every Sunday.

ELEVENTH. That the governor shall dismiss from the poor-house or workhouse every person who shall, in the opinion of the guardian or guardians, be thought improper to continue longer there, and upon an order from him or them for that purpose.

Summons to Overseers to verify and pass their Accounts.

To A. B. and C. D. late Overseers of the Poor of the parish of —— in the county of ——, for the year 1817.

—— to wit. We, whose hands and seals are hereunto set, two of His Majesty's justices of the peace for the said county (one whereof is of the quorum), inhabiting in or near the said parish of ——, do (in pursuance of the several statutes made for the relief of the poor, and for obliging the overseers to pass their accounts,) will and require you forthwith, on sight hereof, to make up and perfect your accounts in writing, of all sums of money by you received and disbursed in the execution of your said offices, for and towards the relief and maintenance of the poor of the said parish for the said year, and being so perfected that you bring the same to us the said justices, at ——,

on —— the —— day of ——, at —— o'clock in the ——noon of the same day, and verify the same on oath; and that in the mean time you present your said account to the inhabitants of your said parish hereunder named, whom, or any three of whom we desire to meet together and examine the said accounts, and report their opinions thereof to us, in writing, at the time and place aforesaid. Hereof fail not.

Given under our hands and seals, the —— day of ——, in the year of our Lord 1817.

J. C.
S. P.

Allowance of Overseers' Accounts.

—— to wit. Perused, inspected and allowed (having been first signed and verified on oath, by L. M. and N. O. overseers of the poor) by me S. P. one of His Majesty's justices of the peace in and for the said county of ——, the —— day of ——, 1817.

S. P.

A Parochial Certificate.

To the Churchwardens and Overseers of the Poor of the parish of —— in the county of ——.

—— to wit. We, the present churchwardens and overseers of the poor of the parish of —— in the county of ——, do, in behalf of ourselves and the inhabitants of the said parish, certify you the churchwardens and overseers of the poor and the rest of the inhabitants of the parish of —— in the county of ——, that A. B. yeoman, is an inhabitant legally settled in our said parish of —— aforesaid; therefore if he shall think it expedient to sojourn in your said parish of —— for the convenience of his business, and shall there become chargeable, we do hereby promise to receive him, his wife and children, and provide for them as our poor, according to the direction of the law, unless he or they shall obtain a legal settlement with

you or elsewhere. In witness whereof we have set our hands and seals, this —— day of ——, in the year of our Lord 1817.

C. D. } Churchwardens.
E. F. }
G. H. } Overseers.
I. K. }

Signed, sealed, and delivered by the Churchwardens and Overseers of the Poor of the Parish of —— aforesaid, in the presence of us,

O. P.
R. S.

To the Churchwardens and Overseers of the Poor of the parish of —— in the county of ——.

We, two of His Majesty's justices of the peace for the county aforesaid, do allow of this certificate; and do certify, that O. P. one of the witnesses, did make oath before us, that he saw the churchwardens and overseers whose names and seals are thereunto set, severally sign and seal the said certificate; and that the names of the two witnesses are of their own hand writing.

Given under our hands, this —— day of ——, 1817.

J. C.
S. P.

Another Form.

—— to wit. We, the major part of the churchwardens and overseers of the poor of the parish of —— in the said county, whose names are hereunto set and seals affixed, do hereby certify, own and acknowledge A. B. yeoman, to be an inhabitant legally settled in the said parish of ——. In witness whereof we have hereunto set our hands and seals, the —— day of ——, in the year of our Lord, 1817.

C. D.
E. F.
G. H.

Attested by us, two credible witnesses,

J. K.
L. M.

—— to wit. We whose names are hereunto subscribed, two of His Majesty's justices of the peace in and for the said county of ——, do allow of the above written certificate. And we do also certify that J. K. one of the witnesses who attested the execution of the said certificate, hath this day made oath before us the said justices, that he did see the churchwardens and overseers of the poor whose names and seals are thereunto subscribed and set, severally sign and seal the same; and that the names of the said J. K. and L. M. who are witnesses attesting the execution of the said certificate, are respectively of their own proper hand writing.

Given under our hands this —— day of ——, in the year of our Lord 1817.

J. C.
S. P.

Warrant of one Justice for Paupers to be examined as to their Settlements.

To all Constables and others His Majesty's Officers of the Peace whom these may concern.

—— to wit. Whereas complaint hath been made before me, by the churchwardens and overseers of the poor of the parish of —— in the said county, that the several persons whose names are hereunder written, have lately intruded and come into the said parish, not having gained any legal settlement therein, nor produced any certificate owning them to be settled elsewhere, and are likely to become chargeable to the said parish unless timely prevented. These are therefore in His Majesty's name to require you to summon the said several persons to be and appear before such of His Majesty's justices of the peace of the said county as shall be assembled at —— in the said county, on —— the —— day of ——, to be examined concerning the place of their last legal settlement. Herein fail not.

Given under my hand and seal the —— day of ——, 1817.

S. P.

Names of the Persons to be Summoned.

A. B. &c.

Another Form for one Pauper, by two Justices.

—— to wit. Whereas complaint hath been made before us, two of His Majesty's justices of the peace in and for the said county (and one of us of the quorum), by the churchwardens and overseers of the poor of the parish of —— in the said county, that A. B. yeoman, hath come to inhabit in the said parish, not having gained any legal settlement therein, nor produced any certificate owning himself to be settled elsewhere, and that he is become chargeable to the said parish of ——. These are therefore to require you to bring the said A. B. before us, at —— in the said county, on —— the —— day of ——, at the hour of —— in the ——noon of the same day, to be examined concerning the place of his last legal settlement, and to be further dealt with according to law.

Given under our hands and seals this —— day of ——, in the year of our Lord 1817.

J. C.
S. P.

Summons to the Parish Officers of the Place where Pauper is intended to be removed, to shew cause against the Adjudication.

To the Churchwardens and Overseers of the Poor of the parish of —— in the county of ——, and to every of them,

—— to wit. This is to summon you or some of you, to appear (if you shall so think proper) before us, and such other His Majesty's justices of the peace for the said county as shall be present at —— in the said county, on —— the —— day of ——, at the hour of —— in the ——noon, to shew cause why A. B. late of ——, who hath come to inhabit in the parish of —— in the said county, not having gained a legal settlement therein, and hath become chargeable to the said parish of ——, should not be removed therefrom to your said parish of —— as the place of his last legal settlement.

Given under our hands and seals this —— day of ——, in the year of our Lord 1817.

J. C.
S. P.

[The foregoing summons is not necessary, but is recommended in cases where the settlement is doubtful, to avoid the expense of appealing.]

Form of the Examination of a Pauper where the Settlement is by Birth.

—— to wit. The examination of A. B. at present residing in the parish of —— in the said county, labourer, touching the place of his last legal settlement, taken upon oath before us, two of His Majesty's justices of the peace in and for the said county, the —— day of ——, 1817:

Who upon his oath saith, That he is about —— years of age, and was born, as he has been informed and verily believes, in the parish of —— in the county of ——, where his father and mother were settled inhabitants, and that his father gained a settlement in the said parish of —— by renting and occupying a dwelling house of one C. D. in the said parish of ——, of the yearly rent of £20. [or *as the case may be*]. And this examinant saith, that he hath never, to the best of his knowledge and belief, done any act whereby to gain a settlement in his own right. And that on or about the —— day of ——, 1810, he was lawfully married to Sarah his present wife, in the parish church of —— in the county of ——, by whom he hath three children, namely, Sarah aged —— years, Mary aged —— years, and William aged —— months or thereabouts; and that he is become actually chargeable to the said parish of ——.

A. B.

Taken and sworn before us, the day and year first above written.

J. C.
S. P.

The like by Hiring and Service.

—— to wit. The examination of C. D. at present residing in the parish of —— in the said county, labourer, touching the place of his last legal settlement, taken upon oath before us, two of His Majesty's justices of the peace in and for the said county, the —— day of ——, 1817:

Who upon his oath saith, That about three years ago he hired himself to one E. F. of the parish of —— in the county of ——, farmer, to serve him in husbandry for one year, at the wages of ——, and that he served his said master under

that hiring one full year, in the said parish of ——, and received a full year's wages; since which time, he, this examinant, hath not, to the best of his knowledge and belief, done any act whereby to gain a subsequent settlement; and that about two years ago he was lawfully married to Mary, his present wife, in the parish church of —— in the county of ——, by whom he has one child, namely, George, aged twelve months; and that he has become actually chargeable to the said parish of ——.

C. D.

Taken and sworn before us, the day and year first above written.

J. C.
S. P.

[It would occupy too much space to insert precedents of examinations for every species of settlement; the foregoing, as they are most common, will serve, with the necessary variations, for any other.]

Order of Removal.

To the Churchwardens and Overseers of the Poor of the parish of —— in the county of ——, and to the Churchwardens and Overseers of the Poor of the parish of —— in the county of ——, and to each and every of them.

—— to wit. Whereas complaint hath been made unto us whose names are hereunto set and seals affixed, being two of His Majesty's justices of the peace in and for the county of ——, aforesaid (one whereof being of the quorum), by the churchwardens and overseers of the poor of the said parish of ——, that A. B. and C. B. his wife, William, their son, aged —— years, and Sarah, their daughter, aged —— years, have come to inhabit in the said parish of —— not having gained a legal settlement there, nor produced any certificate owning them or any of them to be settled elsewhere; and that the said A. B. and C. B. his wife, and William and Sarah their children, are now actually chargeable to the said parish of ——. We,

the said justices, upon due proof made thereof, as well upon the examination of the said A. B. upon oath, as other circumstances, do adjudge the same to be true; and do also adjudge the place of the legal settlement of the said A. B. and C. B. his wife, and William and Sarah, their children, to be in the parish of —— in the county of ——.

These are, therefore, in His Majesty's name, to require you the said churchwardens and overseers of the poor of the said parish of ——, or some or one of you, on sight hereof, to remove and convey the said A. B. and C. B. his wife, and their said two children, from and out of your said parish of —— to the said parish of ——, and them deliver unto the churchwardens and overseers of the poor there, or to some or one of them, together with this our order, or a true copy hereof, (at the same time shewing to them the original,) who are hereby required to receive and provide for them according to law.

Given under our hands and seals, the —— day of ——, in the year of our Lord 1817.

J. C.
S. P.

[If the pauper is removed as a rogue and vagabond, or as an unmarried woman with child, say, instead of the words "chargeable to the said parish of ——:"]

That the said A. B. (the pauper) hath been convicted of larceny or other felony; *or*, is a rogue, vagabond, &c. *or*, that the said A. B. is an unmarried woman, and is with child, and is actually chargeable to the said parish, &c.

Suspension of an Order of Removal, to be indorsed thereon.

Whereas it appears unto us, J. C. and S. P. Esquires, the justices within-mentioned, that the within-named A. B. is at present unable to travel, by reason of sickness and infirmity of body, we, the said justices, do therefore, in pursuance of the statute in that behalf made and provided, hereby suspend the execution of the within-written order of removal; and you the churchwardens and overseers of the poor of the parish of ——,

are hereby commanded to desist from conveying the within-named A. B. and his family from and out of your said parish of ——, until you shall make it appear unto us, the said justices, that the said A. B. hath recovered from his said illness, and may without danger be conveyed from the said parish of —— to the said parish of —— as within directed.

Given under our hands, this —— day of ——, &c.

Subsequent Authority to execute the Order.

Whereas it duly appears unto us, J. C. and S. P. Esquires, two of His Majesty's justices of the peace for the said county of ——, that the above-named A. B. is wholly recovered from the sickness and infirmity of body under which he lately laboured; and that he may therefore now be conveyed from the within-mentioned parish of —— to the within-mentioned parish of —— without danger. These are therefore to authorize and require you the churchwardens and overseers of the said parish of ——, forthwith to convey the said A. B. from and out of your said parish of —— to the said parish of ——, and him to deliver to the churchwardens and overseers of the poor, as you are within directed to do.

Given under our hands, this —— day of ——, &c.

Order for reimbursement of Expenses incurred.

Whereas it hath been proved on oath before us, justices whose names are hereunto subscribed and set, and who signed the within-written order of removal, that the charges incurred by the suspension of the said order of removal, amount to the sum of ——, and which charges appear to us to be fair and reasonable: Now we the said justices do, in pursuance of the statute in that case made, hereby order and direct the churchwardens and overseers of the poor of the parish of —— in the county of ——, to which the within-named pauper is [*or was*] to be removed, to pay the said charges to the churchwardens and overseers of the poor of the said parish, or to such of them as shall demand the same.

Witness our hands and seals, this —— day of ——, in the year of our Lord 1817.

[If the pauper dies during the suspension, then say, after the word "reasonable:"]

And whereas it is duly proved to us, upon oath, that the said A. B. the pauper above-mentioned is dead, and that the sum of —— hath been incurred by the suspension of the within order of removal.

Order to reimburse Maintenance of a Bastard during its continuance with its Mother for Nurture.

Whereas it hath been made appear to us the within-named justices, that the illegitimate child within described is within the age of nurture, *viz.* of the age of two years, and that the mother is unwilling and doth refuse to part with the said child: Now we, the justices aforesaid, do hereby order and direct you the churchwardens and overseers of the poor of the within parish of —— to pay to or reimburse the churchwardens and overseers of the within parish of —— the weekly sum of ——, for and towards the sustentation and maintenance of the said illegitimate child, from the day of the date of this order, so long as the said child shall remain with his [or *her*] said mother, and be chargeable to the within parish of ——.

As witness our hands and seals, this —— day of ——, 1817.

J. C.
S. P.

Summons to the Pauper to shew Cause against his Removal.

To A. B. of the parish of —— in the county of ——.

—— to wit. This is to summon you to appear (if you shall so think proper) before us and such other His Majesty's justices of the peace for the said county as shall be present at —— in the said county, on —— the —— day of ——, at the hour of —— in the ——noon of the same day, to shew cause why you the said A. B. who have come to inhabit in the parish of —— without having gained a legal settlement therein, or producing a certificate acknowledging yourself to be settled elsewhere, should not be removed from the parish of —— in

the said county, to your said parish of ——, as the place of your last legal settlement.

Given under our hands and seals, this —— day of ——, in the year of our Lord 1817.

J. C.
S. P.

[This summons, though seldom issued, is advisable in case the pauper himself is not examined as to his settlement; if he is examined, it appears unnecessary, as the order is usually made at the time of taking the examination.]

Notice of Appeal against an Order of Removal.

To the Churchwardens and Overseers of the Poor of the parish of —— in the county of ——.

This is to give you and every of you notice, that we the churchwardens and overseers of the poor of the parish of —— in the county of ——, do intend at the next quarter sessions of the peace, to be holden for the said county of ——, to commence and prosecute an appeal against a certain order of J. C. and S. P. Esquires, two of His Majesty's justices of the peace in and for the said county of ——, for and concerning the removal of A. B. and S. his wife, and their three children, *viz.* E. aged —— years, W. aged —— years, and T. aged —— months, to our said parish of ——. [*It is sometimes necessary to have the poor's rate book produced to the court; if so, after the words* "parish of ——" *add*] And we hereby further give you notice to produce at the hearing of the said appeal, at the time aforesaid, all and every the rate book or books belonging to the said parish of ——, wherein are entered and kept the rates paid or payable for the year 1815, up to and including the year 1817, and all other papers and writings relating to or concerning the said rates during the above years or any of them.

[If the time is too short to hear the appeal at

the sessions, it is customary to move an adjournment and to give notice of such intention, which may be added to the foregoing notice.]

And further take notice that, at the said quarter sessions of the peace, the court will be moved that the benefit of the said appeal shall be saved, and that the hearing and determining thereof be adjourned until the next general quarter sessions of the peace, to be held and kept in and for the said county.

Witness our hands, this —— day of ——, 1817.

A. B. } Churchwardens.
C. D. }
E. F. } Overseers.
G. H. }

Notice of the Entry and Adjournment of Appeal.

The Churchwardens and Overseers of the Poor of the parish of —— *Appellants,*

and

The Churchwardens and Overseers of the Poor of the parish of —— *Respondents.*

Gentlemen,

You are requested to take notice that an appeal against an order of removal of A. B. from the parish of —— aforesaid, to the said parish of ——, under the hands and seals of J. C. and S. P. Esquires, two of His Majesty's justices of the peace in and for the said county of ——, hath been entered at the present general [or *general quarter*] sessions of the peace for the county of ——, and that by an order of the same sessions, the said appeal stands adjourned to the next general quarter sessions of the peace for the said county.

Dated this —— day of ——, 1817.

Your's &c.

W. T. Attorney for Appellants.

To the Churchwardens and Overseers of the Poor of the parish of ——.

Petition of Appeal.

To the Worshipful His Majesty's Justices of the Peace in and for the county of ——, in their General Quarter Sessions of the Peace assembled;

Sheweth,

That by virtue of an order or pass warrant, under the hands and seals of J. C. and S. P. Esquires, two of His Majesty's justices of the peace in and for the said county of ——, bearing date &c. E. and her four children, named &c. [*follow the words of the order*] were removed from the parish of —— in the said county of ——, to the parish of —— in the county aforesaid, alledging the said parish of —— to be the place of the legal settlement of the said E. and her said children.

That your petitioners conceive themselves to be aggrieved by the said order or pass warrant, and do appeal to your worships therefrom.

Your petitioners therefore humbly pray that your worships will be pleased to hear them in the premises, and to order that the churchwardens and overseers of the poor of the said parish of —— may appear before your worships at a certain day to be appointed for that purpose, to hear and abide by your judgment and determination touching the said appeal.

And your petitioners will ever pray &c.

A. B. } Churchwardens of the
C. D. } said parish of ——.

E. F. }
G. H. } Overseers of &c.

Order for hearing.

—— to wit. At the general quarter sessions of the peace of our Lord the King, holden in and for the county of ——, at the session house for the said county, on —— the —— day of ——, in the 57th year &c.

It is ordered that the churchwardens and overseers of the poor of the parish of —— have notice of the

within appeal, and that they and all persons concerned do attend the court at the session house aforesaid, on —— next, the —— day of —— instant, at nine of the clock in the forenoon, to hear and abide the judgment and determination of the said court touching the said appeal.

Notice to produce Pauper.

The Churchwardens &c. *Appellants.*

and

The Churchwardens &c. *Respondents.*

Gentlemen,

I do hereby give you notice to produce the pauper E. at the hearing of the appeal, that he may be examined by the court touching his settlement. Dated the —— day of ——, 1817.

A. B.
Solicitor for the Respondents.

To the Churchwardens &c.

Order on Appeal allowed by consent.

—— to wit. At the general session of the peace of our Lord the King, holden in and for the county of ——, at the Session-house for the said county, on —— the —— day of ——, in the 57th year of the reign of our sovereign Lord George the Third, by the grace of God of the united kingdom of Great Britain and Ireland King, Defender of the Faith, before A. B. C. D. &c. Esquires, and others their fellows, justices of our said Lord the King, assigned to keep the peace in the county aforesaid, and also to hear and determine divers felonies, trespasses, and other misdemeanors committed in the same county.

Whereas the churchwardens and overseers of the poor of the parish of —— in the county of ——, did, at the last general quarter session of the peace held in and for this county, exhibit their petition and appeal, setting forth That by virtue of a warrant or order of removal under the hands and

seals of J. C. Esq. and the Rev. J. B. Doctor in Divinity, two of His Majesty's justices of the peace acting in and for the county of —— (one whereof being of the quorum), bearing date the —— day of ——, 1817, A. B. single woman, big with child, was removed from the parish of —— in the county of ——, to the said parish of ——, as the place of the last legal settlement of the said A. B. whereby the petitioners conceived themselves aggrieved, which said appeal stood duly adjourned until this session;—Now, upon hearing the said appeal in the presence and hearing of the churchwardens and overseers of the poor of the said parish of ——, and they consenting by their counsel to the allowing the said appeal,—It is ordered that the said appeal be, and the same is hereby allowed, and the said order of the said two justices is hereby vacated and set aside. And it is further ordered, that the churchwardens and overseers of the poor of the said parish of ——, do forthwith convey and deliver back the said A. B. single woman (together with a copy of this order) unto the churchwardens and overseers of the poor of the said parish of ——, who are hereby required to receive and provide for the said A. B. single woman, until they can free themselves from the charge thereof by due course of law. And it is further ordered, that the churchwardens and overseers of the poor of the said parish of —— do forthwith pay or cause to be paid unto the churchwardens and overseers of the poor of the said parish of ——, the sum of —— for their charges and expenses in relieving and maintaining the said A. B. single woman, since her said removal.

By the Court,
S——.

Countermand of Notice of Appeal.

To the Churchwardens &c.

Gentlemen,

I do hereby countermand the notice of appeal lately given to you against an order of removal of A. B. and C. D. Esquires, two of His Majesty's justices of the peace in and for the said county of ——, for and concerning the removal of G. H. to the parish of —— in the county of ——.

Dated this —— day of ——, 1817.

E. F.
Attorney &c.

Notice of Abandonment of Order after Removal of Pauper.

To the Churchwardens and Overseers of the Poor of the parish of ——.

—— to wit. Whereas under and by virtue of an order of removal, under the hands and seals of J. C. and S. P. Esquires, two of His Majesty's justices of the peace in and for the county of ——, bearing date the —— day of ——, 1817, A. B. and her child E. aged —— years, were removed from the parish of —— in the said county of ——, to the parish of —— in the county of ——, as the place of their last legal settlement. And whereas since the said removal we have discovered and are satisfied that the said parish of —— is not the place of the last legal settlement of the said paupers, and we have accordingly consented to take back the said paupers, and abandon the said order of removal. Now we the undersigned, being the major part of the churchwardens and overseers of the poor of the said parish of ——, do hereby give you notice that we have abandoned and do hereby abandon the said order of removal, and do agree to take back the said paupers; and do also consent and agree to save harmless the said parish of ——, and the churchwardens and overseers thereof, from all costs, charges and expenses attending the said removal and order, or incident thereto. Dated the —— day of ——, 1817.

A. B. } Churchwardens, &c.
C. D. }
E. F. } Overseers, &c.
G. H. }

[This notice may be given before appeal preferred, but if appeal entered, it is adviseable to get it allowed by consent at the sessions.]

POST, STAGE AND HACKNEY-COACHES.

By 42 *Geo. III. c.* 81, *s.* 5, any person sending or delivering letters, otherwise than by post, to forfeit £5. for every offence, one moiety to the King and the other to the informer, except letters sent with goods by a common carrier or by private hands, &c. Post

boys loitering on the road, or suffering any person, except the mail guard to ride on the horse or carriage, or neglecting to travel at the rate of six miles an hour at least, shall on conviction by confession or oath of one witness, before one justice, be sent to the house of correction, to be kept to hard labour for not exceeding one month nor less than fourteen days. 5 *Geo. III. c.* 25, *s.* 20. and any post boy collecting by himself or others and conveying letters illegally, shall on conviction by confession or oath of one witness, before one justice, forfeit 10*s.* for each letter; and if not paid, to be committed to the house of correction to hard labour for not exceeding two months nor less than one. *s.* 21. All sums not exceeding £5. due for postage of letters may be recovered before justices of the peace, in the same manner as small tithes, and such debt to be preferred before any private debt. 9 *Anne, c.* 10, *s.* 30.

By 44 *Geo. III. c.* 98, postmasters letting horses out to hire, to pay an annual license, and to renew the same annually, ten days before the end of the year, under penalty of £10. *s.* 4, 6, 7; and not to keep more than one inn, house or place, by virtue of one license, under penalty of £20. *s.* 8, 47.

Persons not licensed, letting horses to hire forfeit £10. 25 *Geo. III. c.* 51, *s.* 4. and every licensed person to cause the words "*Licensed to let Post Horses,*" to be painted or written legibly

in some visible place in front of his house, stables, &c. on pain of £5. *s.* 9. and if such licensed person furnish his own carriage, he shall cause his christian and surname, and the place of his abode to be painted on the outside pannel of such door, in letters at least one inch in length, and of a colour distinct from the carriage; and if such carriage should be furnished for a day, or a less period, and such carriage should have a box or seat, he shall affix on some conspicuous part thereon a brass or tin plate, on which shall be marked his name and residence; and if no seat, he shall affix the same on a conspicuous part of the pole, shaft or splinter bar, on pain of £5. *s.* 10, 11.—Any person taking off the plate to evade payment of the duty, to forfeit £10. *s.* 21. and passing through a turnpike gate without the plate affixed, the driver to forfeit 40*s.* *s.* 22.

Every person licensed shall previous to using his horses receive for the King's use three halfpence per mile, and shall give to the person hiring the same one or more stamp-office tickets, adding his name, and if an innkeeper, his sign also, and shall insert his place of abode therein, the name of the place to which such horses are hired to go, and the month and day of the month, and number of miles, under a penalty of £10. for neglect in any of these particulars, and to be chargeable for the duty as if he had received it. *s.* 15. and for falsely filling up a ticket the like penalty. *s.* 17.

If a ticket is issued for a certain number of *miles*, and postmaster shall charge a specific sum by the *stage*, he shall account to the collector for one fourth part of the money received as the duty, under penalty of £10. *s.* 18.

Persons letting a horse by the day, or less period, shall receive for the King a duty of three halfpence a mile, if the distance shall be ascertained; if not, then 1s. 9d. for each horse, and shall deliver to the hirer a ticket, with the words *for a day* inserted thereon, with his name, date, place of abode and sign, under penalty of £10. *s.* 19.

If horses are hired to return in less than two days, the number of miles both going and returning, and the place, shall be filled up by the postmaster, under penalty of £10. *s.* 23.

If horses are hired for drawing a carriage for two days or more, the postmaster shall insert in the note or certificate to be delivered to the traveller, his name, date and place of abode, the number of days for which the horses are hired, and the name and residence of the person hiring the same; and the person travelling in such carriage, or the driver, shall at the first turnpike deliver the certificate to the gate-keeper, who shall, in return, deliver a check ticket which shall contain the name of the county in which such turnpike shall be, and the words *certificate delivered*, and the name of the place where such certificate issued, together with some mark denoting the day on which such check ticket

was issued, which said check ticket shall be shewn to the gate keeper at every turnpike through which the horses shall pass; and in default thereof, every such traveller shall pay for every such horse 1s. 9d. before he shall be permitted to pass any such turnpike. *s.* 24.—Any postmaster or other person altering or delivering false certificates, to forfeit £20. *Ibid.* and no horses to be let but by the mile or stage, under penalty of £10. *s.* 32.—Any gatekeeper not doing what is required by the act, to forfeit 40s. *s.* 20.

Persons letting out horses, &c. to hire, to keep a true account thereof, and pay the duty at the times specified in the act, under penalty of £10. for every default. *s.* 27, 28, and 40. Postmaster to enter in his account the tickets or certificates issued by him, under pain of 40s. and the like for altering the date. *s.* 29. Gatekeeper not delivering ticket on demand, to collector, to forfeit 5s. for each ticket. *s.* 36. and neglecting to demand or refusing to receive any ticket, to forfeit £5. for each offence. *s.* 37. or fraudulently accepting less than he is authorised to receive, to forfeit 20s. *s.* 38.

All penalties under £50. may be recovered before one justice, who may summon the party and the witnesses; and on proof by confession or oath of one witness, may give judgment, and issue warrant of distress to levy the penalty; or in default of distress, may commit the offender to prison for six months, unless penalty is sooner paid. *s.* 59.—

Witnesses not attending in pursuance of a summons, to forfeit 40s. to be levied as the other penalties. *s.* 60.—Penalties may be mitigated to not less than half besides costs. *s.* 63.—Appeal allowed to next sessions, (on giving security for penalty and costs); but if sessions happen within six days after conviction, appeal allowed to next subsequent sessions.

By 54 *Geo. III. c.* 174, two or more justices may cause the distances between various places in their division to be measured, the expense of which to be paid by the county treasurer, such measurement verified on oath to be published twice in some newspaper circulating in the place where such justice shall act; and after such publication, if any person letting out horses to hire shall charge more than the measurement, if the job exceed seven miles, he shall forfeit not exceeding £10. to be recovered before such justices, half to the informer and half to the poor. *s.* 4. The duties imposed by 44 *Geo. III.* not to attach to horses drawing fish carts. *s.* 5,

The act 50 *Geo. III. c.* 48, repeals the acts 28, 30, and 46 *Geo. III.* for limiting the number of persons to be carried on the outside of stage coaches, and enacts, "*that any coach, &c. with four or more wheels, to be employed as a public stage, and to be drawn by four or more horses, shall be allowed to carry* ten *outside passengers and no more, exclusive of the coachman, but including the guard; one passenger only to sit on the box with the coachman, and*

three of such passengers on the front of the roof, and the remaining six behind; but no passenger to be allowed to sit on the luggage, or the part of the roof allotted for the same; and all stage coaches drawn by two or three horses, to be allowed five *outside passengers and no more, exclusive of the coachman; and double-bodied coaches,* eight *outsides, exclusive of the coachman, but including the guard.*"

No child in the lap or under seven years of age, shall be counted as one, but two such children shall be reckoned as one grown person; and no person paying as an outside passenger to be permitted to ride inside, unless with the consent of at least one of the inside passengers, next to whom such outside passenger shall be placed.—If such carriage shall be constructed wide enough to admit four outside passengers to ride in the front, and shall be so licensed, it may do so, provided the number in the whole does not exceed ten. *s.* 2.—Neither passengers nor luggage shall be carried if the coach shall be more than eight feet nine inches from the ground, or the bearing of which on the ground shall be less than four feet six inches from the centre of the track of the right or off wheel to the centre of the track of the left or near wheel, under penalty of £5. for each offence. *s.* 3.—No proprietor, driver, &c. to permit luggage exceeding two feet, to be conveyed at the top of any coach drawn by four horses; and if the coach is drawn by two or three horses, not to exceed

18 inches above the roof, under penalty of £5. for every inch above the space of two feet or 18 inches respectively; and if driver is also owner, the penalty of £10. for every inch, to be recovered before one magistrate, on the oath of one witness; and in default of payment, offender may be committed to gaol or house of correction for two months, unless penalty sooner paid. *s.* 4.—Packages to be placed so that no passenger may sit thereon, under penalty of 50*s.* to be paid by the passenger so offending.—Division to be made at the top of the coach for luggage.—Driver or owner refusing to permit carriage or luggage to be measured by any justice, constable, and others authorised, to forfeit the like penalty. *Ibid.*

Luggage may be carried of greater height than two feet, if it be not, (including the height of the coach), more than 10 feet 9 inches from the ground. *s.* 5.

The number of passengers allowed to be carried, to be painted on the outside of the coach; and if any person shall employ or make use of such coach without being duly licensed, or without having the name, number, and words denoting the number to be carried, painted as aforesaid; or shall carry more outside passengers than shall be expressed in the license, every person so offending to forfeit £10. for each outside passenger, beyond the numbers allowed, and double that sum if the driver be owner or part owner. *s.* 7. The owners of coaches to be

liable to the penalties incurred by drivers, if the latter cannot be found, unless they prove by other testimony than their own, that the offence committed was without their knowledge or concurrence, and that they received no benefit therefrom; and driver not paying penalty to which he is liable, to be committed for not exceeding six nor less than three months, at the discretion of the justice before whom he shall be convicted. *s.* 8.—Justice's summons served on book-keeper to be deemed good service. *s.* 9.—Drivers leaving their horses without a person to hold them till they remount, to forfeit not more than £5. nor less than 10s. for each offence. Coachmen or guards who shall by intoxication, negligence or misconduct, endanger the lives, limbs or property of passengers; or if a driver of any mail shall loiter his time, or not convey the mails in due time, (accidents excepted), or shall not account for monies received, he shall forfeit not less than £5. nor more than £10. for every offence, to be recovered before any justice, on the oath of one or more witnesses; and in case of non-payment, to be committed for not more than six nor less than three months, at justice's discretion. *s.* 11. and driver insulting a passenger, or exacting more than he is legally entitled to, shall forfeit not less than 5s. nor more than 40s. to be recovered in like manner; or in default, imprisonment for not exceeding one month nor less than three days. *s.* 12. Peace officers neglecting to execute justice's warrant, to

forfeit £5. and for non-payment, to be imprisoned not exceeding one month, unless the penalty is sooner paid. *s.* 13.

Any passenger may require a toll collector to ascertain the number of outside passengers and measure the height of luggage, and a driver refusing, to forfeit £5. and if more passengers are on the coach than is allowed, or luggage of the prohibited height, he shall forfeit double the penalty imposed for such offence, one half of the penalty to toll collector, and the other to the passenger; toll collector refusing to make the examination required, to forfeit £5. and persons evading the examination by alighting from the coach previous to its reaching the turnpike gate, and afterwards re-ascending, to forfeit £10. to be recovered in like manner. *s.* 15.

Coachmen suffering passengers to drive, quitting the box without reasonable cause, or staying from it longer than necessary, or overturning the coach through misconduct, to forfeit not more than £10. nor less than £5. *s.* 15.

Penalties under this act recoverable before one or more justices, who may give judgment for the penalty incurred; and if the same is not paid, may commit to the gaol or house of correction, for any time not exceeding three nor less than one month. *s.* 16. justices may mitigate penalties to any sum not exceeding one half besides costs; *one half either of the whole* or *of the moiety* to go to the informer, and

the other half to be paid to the trustees of the roads where the offence was committed. *s.* 17. Guard firing off his arms, except for defence, to forfeit £5. *s.* 18.

In cases where no specific penalty is imposed, the offender to forfeit not exceeding £10, nor less than 50*s.* at the discretion of the justices, on conviction by oath of one witness; and on default of payment, may be committed to common gaol or house of correction for not exceeding three months nor less than five days. *s.* 19. Persons conniving at offences under this act, to forfeit £50. for each offence; and in default of payment, to be committed to house of correction for not exceeding three months nor less than one month. *s.* 20.—Carriages of a particular construction, and specially licensed for that purpose, may carry an additional number of passengers, without being subject to the penalties of this act. *s.* 21. Prosecution to be commenced in fourteen days after offence, except for not painting the name on the outside of the coach and keeping it legible, in which case no time is limited. *s.* 22.

Appeal allowed to the next quarter sessions, on giving security to appear; and proceedings not to be removed by *certiorari*. Conviction, unless appealed from in fourteen days, to be final and conclusive. *s.* 24, 25.

All coaches going from London or Westminster to any place in the country, or that shall come from the country to any place in London or Westminster,

shall be duly licensed. 25 *Geo. III. c.* 51, *s.* 50. every person so licensed to cause his christian and surname to be painted in large and legible characters, and the place from which the coach sets out and to which it is going, under penalty of £10. *s.* 52. and a like penalty for non-payment of the duties on the days stipulated in the act. *Ibid.* A summons left at the inn or place where the carriage puts up, to be deemed good service. *s.* 61.

The duties by this act may be farmed. *See statutes* 27 *Geo. III. c.* 26.—42 *Geo. III. c.* 52.—48 *Geo. III. c.* 98.

The acts regulating the fares, &c. of hackney-coaches and chairs being local in their operation, and the penalties recoverable before commissioners specially appointed (though justices are not precluded from acting,) it is only necessary briefly to abstract the penal clauses.

By 9 *Anne, c.* 23, *s.* 4, every coach and chair to have a distinct mark on each, and any person altering it, to forfeit £5. half to the informer and half to the King.

No person shall drive or let to hire any hackney-coach without a license, on pain of £5. nor carry any person in a hackney-chair, under penalty of 40*s.* *Ibid.*

By 48 *Geo. III. c.* 87, new fares are granted.

If any hackney-coachman discharged in the country shall ply for hire, and pick up passengers, he shall forfeit for every offence no exceeding £3.

nor less than 20s. *s.* 5. Plying for hire without a check string, incurs a penalty of 5s.

Any driver refusing to go, or overcharging, to forfeit not exceeding £3. nor less than 10s. 1 *Geo. stat.* 2, *c.* 57, *s.* 2.

Every coachman, where coaches are standing, to be compellable to go with any person when required, and on refusal (unless hired) he shall be liable to the same penalties as persons refusing to carry for hire. 39 and 40 *Geo. III. c.* 47, *s.* 5.

Drivers of coaches or chairs guilty of misbehaviour by demanding more than their fare or giving abusive language, shall forfeit not exceeding 20s. to the poor; refusing, or not being able to pay, shall be committed to Bridewell or house of correction to hard labour for seven days, and receive the public correction of the house before discharged. 9 *Anne, c.* 23, *s.* 44.

Every licensed person who shall neglect or refuse to appear by himself or his renter (being duly summoned) shall forfeit 10s. and if he shall neglect or refuse to appear with his renter on the third summons, the complaint may be heard and determined in his absence. 10 *Geo. III. c.* 44, *s.* 6.

All penalties levied by any justice, to be transmitted to the receiver-general of the duties on hackney-coaches and chairs; and they shall also transmit a certificate thereof to the commissioners within ten days, on pain of £10. half to the King and half to him that shall sue. *s.* 8.

By 55 *Geo. III. c.* 159, the act 54 *Geo. III. c.* 147, is repealed as far as respects the issuing tickets to denote the amount of fares, and all the provisions and penalties relating thereto. *s.* 1.

If any person refuses or omits to pay his fare, or shall deface any hackney-coach or chair, any justice may grant a summons, or warrant if necessary, to bring before him the offender; and on proof on oath may award reasonable satisfaction to the party complaining for his damage and costs and loss of time; and on refusal to pay, may commit such person to prison for not exceeding one month, or until such satisfaction paid. *s.* 6.

Commissioners to hear and determine complaints between owners and drivers, and may punish any such owner or driver by inflicting a penalty not exceeding £10. to be levied by distress. *s.* 8.

Drivers of hackney-coaches to take any property left in their coaches to the hackney-coach office within four days after it shall have been so left, under a penalty of not exceeding £20. at the discretion of the commissioners. *s.* 9.

No agreement to pay more than the legal fare to be binding; any person paying beyond it may recover the overplus, and the driver to be liable to a penalty of not exceeding £5. to be levied in case of non-payment by distress.

Coachmen leaving their coach, &c. unattended at any theatre or place of public resort, to forfeit not exceeding £5. to be levied in case of non-pay-

ment by distress. *s.* 11. Drivers are not to refuse a fare, though they may have been out twelve hours. *s.* 12.

Any justice or justices of the peace on complaint made to them against any owner or driver of any hackney-coach or chariot, or any waterman or assistant, to issue a summons or warrant for their apprehension, at their discretion. *s.* 13.

Driver, &c. using abusive or insulting language or other rude behaviour, or obstructing any inspector of hackney-coaches, officer of police or other peace officer in the execution of his duty, shall on conviction before any justice of the peace or commissioners, forfeit not exceeding £10. and in default of payment be committed to prison for not exceeding two months. *s.* 14. All penalties in this and former acts to be applied half to the King and half to the informer. *s.* 15. Penalties in former acts (unless where altered by this act) to continue in force. *s.* 16.

Information on the Post Horse Act.

—— to wit. Be it remembered, that on the —— day of ——, in the year of our Lord 1817, at the parish of —— in the county of ——, A. B. of —— in the county aforesaid, gentleman, in his own proper person, comes before me S. P. Esq. one of His Majesty's justices of the peace in and for the said county, residing near the place where the offence hereinafter mentioned was committed, and as well for our Lord the King as for himself in this behalf exhibits to and before me the said justice, an information and complaint, and thereby informeth me that C. D. of the parish of —— in the county of

—— aforesaid, after the first day of August, 1785, mentioned in a certain act of parliament passed in the 25th year of the reign of His present Majesty, intituled "An Act for repealing the Duties on Licenses taken out by Persons letting Horses for the purpose of travelling post, and on Horses let to hire for travelling, and by time, and on Stage Coaches; and for granting other Duties in lieu thereof, and also additional Duties on Horses let to hire for travelling post, and by time;" and within six calendar months now last past, to wit, on the —— day of this present month of ——, at the said parish of —— in the said county and liberty, did let out to one E. F. a certain horse for hire, to draw a chaise with two wheels, commonly called a single horse chaise, upon which a certain rate or duty at the time of passing the said act, under the management of the commissioners of excise, was reserved or made payable for a less period of time than a day, he, the said C. D. at the time of letting the said horse as aforesaid, being a person required by the said act to be licensed for that purpose, and not being in any manner licensed, authorized or enabled so to do, contrary to the form of the statute in such case made and provided, for which said offence the said C. D. hath forfeited the sum of £10. of lawful money, and thereupon the said informant who prosecutes as aforesaid, prays the consideration and judgment of me the said justice in the premises, and that the said C. D. may be convicted of the said offence, and that one half of the forfeiture, together with full costs of suit, may be adjudged to him the said informant; and that the said C. D. may be summoned to appear before me the said justice, to answer the premises and make defence thereto, according to the form of the statute in that case made and provided.

A. B.

Exhibited and received, the day and year first above written.

S. P.

Summons thereon.

—— to wit. Whereas complaint and information hath been made upon oath before me S. P. Esq. one of His Majesty's justices of the peace in and for the said county, that [*here state the nature and circumstances of the case so far as it shall be necessary to shew the offence, and to bring it within the authority*

of the justice, and in doing that, follow the words of the act as near as may be;] these are, therefore, to require you personally to appear before me, or such other of His Majesty's justices of the peace for the said county, at —— in the said county, on the —— day of —— next, at the hour of —— in the —— noon, to answer the said complaint and information, and further to do and receive what to the law shall appertain. Herein fail not.

Given under my hand and seal, this —— day of ——, 1817.

S. P.

Conviction thereon.

—— to wit. Be it remembered, that on the —— day of ——, in the 57th year of the reign, &c. and in the year of our Lord 1817, C. D. of &c. was duly convicted before me S. P. one of His Majesty's justices of the peace in and for the said county, residing near the place where the offence hereinafter mentioned was committed, in pursuance of an act passed in the 25th year of the reign of His present Majesty, intituled an act [*here recite the title of the act as before*], for that the said C.D. after the first day of August in the said act mentioned, and within six calendar months now last past, to wit on the —— day of this present month of —— [*as before stated in the information*], contrary to the form of the statute in such case made and provided; and I do declare and adjudge that he the said C. D. hath forfeited for his said offence the sum of £10. of lawful money, which sum of £10. I do hereby mitigate to the sum of £5. to be distributed as the law directs; and I do hereby allow unto A. B. of —— in the county of ——, gentleman, who informed me of the said offence and sued for the said penalty, for his costs and charges, as well in making the discovery as in the prosecution aforesaid, the further sum of £—— of like lawful money, being a reasonable allowance in that behalf; and do award and adjudge the said sum of £—— to be paid by the said C. D. over and above such mitigation as aforesaid, this being the —— offence.

Given under my hand and seal, at ——, the day and year first written.

S. P.

Distress Warrant.

To the Constable of the parish of —— in the county of ——.

—— to wit. Whereas C. D. of &c. was on the —— day of —— now last past duly convicted before me S. P. Esq. one of His Majesty's justices of the peace in and for the county aforesaid, residing near the place where the offence hereinafter mentioned was committed, in pursuance of an act passed in the twenty-fifth year of the reign of His present Majesty, intituled [*as in the conviction from the title of the act*], contrary to the form of the statute in such case made and provided; and I then and there declared and adjudged that the said C. D. had forfeited for his said offence the sum of £10. of lawful money of Great-Britain, which sum of £10. I, by the said conviction, mitigated to the sum of £5. to be distributed as the law directs; and I thereby allowed to A. B. of &c. who informed me of the said offence and sued for the said penalty, for his costs and charges, as well in making the said discovery as in the prosecution aforesaid, the further sum of £—— of like lawful money, being a reasonable allowance in that behalf awarded, and adjudged the said sum of £—— to be paid by the said C. D. over and above such mitigation as aforesaid. And whereas the said two several sums of £5. and £—— still remain unpaid: these are therefore to command you to levy the said two several sums of £5. and £—— by distress of the goods of the said C. D. within the parish aforesaid; and if within six days next after such distress the same shall not be redeemed by payment of the said several sums, together with the reasonable charges of taking the said distress, then that you sell the goods by you distrained, and that out of the monies which shall be paid to you, or which shall arise by such sale, you pay one half of the said sum of £5. and the whole of the said sum of £—— to the said A. B. who informed me of the said offence, and sued for the said penalties as aforesaid; and the other half of the sum of £5. to G. H. of —— in the said county of ——, for the use of His Majesty, the said G. H. being authorized by the major part of the commissioners for managing the duties on stamped vellum, parchment and paper so to receive the same; returning the

overplus, if any, upon demand to the said C. D. the reasonable charges of taking, keeping and selling the said distress being first deducted; and that you certify to me what you shall do by virtue of this warrant.

Given under my hand and seal, at —— in the county aforesaid, the —— day of ——, in the year of our Lord 1817.

S. P.

Warrant to Apprehend, and Commitment.

To the Constable of —— in the county of ——,

—— to wit. Whereas —— of &c. [*state the conviction, mitigation of the penalty and adjudication of costs, as in distress warrant, verbatim*]. And whereas by a certain warrant under my hand and seal, bearing date at ——, the —— day of —— last past, (the said two several sums of £5. and £—— then remaining wholly unpaid,) I commanded you the said constable to levy the said two several sums by distress and sale of the goods of the said C. D. within the parish aforesaid, and to pay and distribute the same respectively as in such warrant is directed. And whereas it duly appears to me by the return of you the said constable, dated this day, that no goods or chattels of the said C. D. can be found to answer the several sums of money by the said warrant directed to be levied: these are, therefore, to command you the said constable to apprehend the said C. D. and convey him to the house of correction, and there keep him for the space of six months, unless the said several sums of £5. and £—— shall be sooner paid or satisfied; and for so doing this shall be your sufficient warrant and authority.

Given under my hand and seal, at ——, the —— day of ——, 1817.

S. P.

Information for issuing a Ticket with a charge by the Mile, and taking a greater price for the Stage, without accounting to the Collector.

—— to wit. Be it remembered, that on the —— day of ——, in the year of our Lord 1817, and in the 57th year of the reign of our Sovereign Lord George the Third, at —— in the said county of ——, A. B. of —— in the county aforesaid, yeoman, in his proper person cometh before me S. P. Esq. one of His Majesty's justices of the peace in and for the said county, (I the said justice residing near the place in which the offence hereinafter mentioned was committed) and as well for our Lord the King as for himself, giveth me the said justice to understand and be informed that after the first day of August, which was in the year of our Lord 1785, and within the space of six calendar months from the time of incurring the penalty hereinafter mentioned, that is to say, on the —— day of ——, in the year of our Lord 1817, one C. D. late of —— in the county aforesaid, then being a person licensed to let to hire horses for the purpose of travelling post by the mile or from stage to stage, and to let to hire for a day or less period of time horses for drawing a coach or other carriage and in travelling post or otherwise, pursuant to an act of Parliament passed in the 25th year of the reign of our Sovereign Lord the now King, intituled, "An Act for repealing the Duties on Licenses taken out by Persons letting Horses for the purpose of travelling post, or on Horses let to hire for travelling post and by time, and on Stage Coaches; and for granting other Duties in lieu thereof, and also additional Duties on Horses let to hire for travelling post and by time," did at the —— aforesaid in the county aforesaid issue a certain stamp office ticket to a certain person travelling post; that is to say, from —— to —— in the county of ——, in and by a certain carriage drawn by horses, that is to say, a certain post chaise drawn by two horses used in travelling post; which said ticket had the number of miles expressed thereon, according to the distance of the stage, that is to say, six miles; and that the said C. D. so being the person issuing the same then and there, that is to say, on the day and year in that behalf above mentioned, at the

—— aforesaid in the said county, did charge the said traveller a specific sum, that is to say, the sum of 10s. by the stage, and not at or after the usual or any certain rate per mile; and that he the said C. D. so being such person issuing the said ticket as aforesaid, and being accountable in that case for one-fourth part of the money so received by him as and for the duty by the said act directed to be paid, did not in that case express on the said ticket the money charged to such traveller, and did not in the weekly account kept by him, pursuant to the direction and requisition of the said act, account for one-fourth part of the money so received, and did not pay the same to the collector or collectors appointed by the said act to receive and collect the said duties, contrary to the form of the statute in such case made and provided; whereby and by force of the statute in such case made and provided, the said C. D. hath forfeited and become liable to pay for his said offence the sum of £10. wherefore this informant prays the judgement of me the said justice in the premises, and that the said C. D. may be convicted of the said offence; and that one moiety of the said forfeiture may be adjudged to our said Lord the King and the other moiety thereof to the said informant, according to the form of the statute in such case made and provided; and that the said C. D. may be forthwith summoned to appear before me the said justice, to answer the said premises and to make defence thereto.

A. B.

Exhibited &c.

S. P.

Information, on 50 Geo. III. c. 48, *against a Driver of a Stage Coach, for having more than ten Persons riding as outside Passengers.*

—— to wit. Be it remembered that on the —— day of ——, in the year of our Lord 1817, A. B. of &c. in the said county, informeth and maketh oath before me S. P. Esq. one of His Majesty's justices of the peace in and for the said county, that C. D. of —— in the said county did drive a certain coach called the —— coach, being a coach with four wheels and then drawn with four horses, and then employed as a public stage coach for the purpose of carrying passengers for hire, and li-

censed to carry ten outside passengers and no more, and having painted on the outside of the said coach the words "*Licensed &c.*" and then travelling in the King's highway, and did then and there carry and permit and suffer to be carried on the outside of the said coach more than the number expressed in the license for using such coach and in the words so painted on the outside of such coach; to wit that the said C. D. did then and there carry or permit and suffer to be carried twelve persons at one and the same time, exclusive of the coachman, on and about the outside of the said coach when so going and travelling for hire as aforesaid, none of the said persons so carried being a child in the lap or under the age of seven years, contrary to the form of the statute made in the 50th year of the reign of King George III. intituled, "An Act to repeal three Acts made in the 28th, 30th and 46th years of His present Majesty, for limiting the number of persons to be carried on the outside of Stage Coaches, and to enact other Regulations for carrying the objects of the said Acts into effect," which hath imposed a forfeiture of £20. for the said offence.

A. B.

Exhibited and sworn before me,
the —— day of ——, 1817.
S. P.

Summons thereon.

See form, page 704, *verbatim*.

Conviction.

—— to wit. Be it remembered that on the —— day of ——, in the year of our Lord 1817, at —— in the county of —— aforesaid, A. B. came before me S. P. Esq. one of His Majesty's justices of the peace in and for the said county, and informed me that [*here set forth the fact in the manner described in the act*] whereupon the said C. D. after being duly summoned to answer the said charge, appeared before ——, on the —— day of ——, at —— in the said county, and having heard the charge contained in the said information, declared that he was not guilty of the said offence; but the same being fully

proved upon the oath of E. F. a credible witness, it manifestly appears to me the said justice, that he the said C. D. is guilty of the offence charged upon him in the said information; it is therefore considered and adjudged by me the said justice that he the said C. D. be convicted, and I do hereby convict him of the offence aforesaid; and I do hereby declare and adjudge that he the said C. D. hath forfeited the sum of £—— of lawful money of Great-Britain for the offence aforesaid, to be distributed as the law directs, according to the form of the statute in that case made and provided.

Given under my hand and seal, the —— day of ——, 1817.

S. P.

[*If the driver did not attend, say, after the words* "being duly summoned to answer the said charge," did not appear before me pursuant to the said summons, *or* did neglect and refuse to make any defence against the said charge, but the same being fully proved, &c. *or* acknowledged and voluntarily confessed the same to be true, and it manifestly appears to me the said justice &c.]

Information against the Owner.

—— to wit, Be it remembered &c. [*as in the first information*], he the said C. D. being the owner of a certain coach drawn [*as before*], and the driver of which said coach was and is unknown to the said A. B. did then and there by the said driver unlawfully carry more outside passengers than were or are specified or expressed in the license for using such coach, to wit —— outside passengers [*as before*], which hath imposed a forfeiture of £10. for each outside passenger beyond the number allowed by the said statute, amounting to the sum of £—— for the said offence.

Taken &c.

POTATOES. See "*Turnips.*"

PUBLIC WORSHIP.

By 1 *Mar. Sess.* 2, *c.* 3, if any person disturb a preacher in his sermon by word or deed, he shall be apprehended and carried before a justice, who shall commit him, and within six days he and another justice shall examine the fact, and if he is found guilty by two witnesses, or confession, they shall commit him to gaol for three months, and further to the next session, when he may be discharged on finding sureties, but not otherwise; and by 1 *W.* *c.* 18, *s.* 18, if any person shall come into any church, chapel *or other congregation* permitted by the act of Toleration, and disquiet and disturb the same, or misuse any teacher or preacher, he shall on proof thereof before one justice, by two witnesses, find two sureties in £50. in default shall be committed till the next sessions, and on conviction then, shall forfeit £20. to the King.

Warrant to apprehend a Person for disturbing the Congregation in a Parish Church.

To the Constable of —— in the county of ——.

—— to wit. Whereas A. B. clerk, officiating minister of the parish church of —— in the said county of ——, and C. D. one of the churchwardens of the said parish, have this day made complaint on their several oaths before me J. C. Esq. one of His Majesty's justices of the peace in and for the said county, that E. F. late of the said parish of ——, labourer, and G. H. late

of the same parish, yeoman, together with divers other evil disposed persons, on Sunday last, being the —— day of —— in this present month of ——, wilfully and of purpose did contemptuously come into the said parish church, situate in the said parish of ——, in the said county of ——, during the time of divine service, and did disquiet and disturb the congregation then and there assembled, by [*state the offence*] in the said parish church, and by other noises and disturbances, preventing the said A. B. officiating minister as aforesaid, from proceeding in the celebration of divine service; these are therefore in His said Majesty's name to command you the said constables forthwith to apprehend the said E. F. and G. H. and them bring before me at this place, to answer for the said offence and to be further dealt with according to law. And you are hereby also commanded to give notice to the said E. F. and G. H. that if proof of the said offence shall be made before me the said justice, by two sufficient witnesses, on the hearing of the said complaint, then the said E. F. and G. H. will be required to find two sureties, to become bound in a recognizance in the penal sum of £50. conditioned for the personal appearance of the said E. F. and G. H. respectively, at the next general quarter sessions of the peace to be held in and for the said county, then and there to answer for the said offence, according to the form of the statute in this behalf made and provided.

Given under my hand and seal, the —— day of ——, 1817.

J. C.

Information for disturbing a Licensed Dissenter's Meeting.

—— to wit. Be it remembered that on the —— day of ——, in the year of our Lord 1817, at —— in the said county, A. B. of —— in the said county, and C. D. of —— in the county aforesaid, severally came before me S. P. Esq. one of His Majesty's justices of the peace in and for the said county, and upon their several corporal oaths gave me the said justice to understand and be informed that on Sunday last, being the —— day of —— instant, one E. F. of ——, yeoman, wilfully, willingly and of purpose did contemptuously come into a certain chapel of His Majesty's protestant subjects dissenting from the church of England, permitted by act of parliament and duly licensed and registered according to law, situate at

—— in the said county, and by shouting with a loud voice [or *as the fact is*], did disquiet and disturb the congregation therein assembled; therefore the said A. B. and C. D. pray of me that such proceedings may thereupon be had against the said E. F. for the said offence, as the statute in that behalf made doth require.

A. B.
C. D.

Exhibited before me, this
—— day of ——, 1817.
S. P.

Commitment for want of Sureties.

To the Constable of —— in the county of ——, and to the Keeper of the Common Gaol at —— in the said county.

—— to wit. Whereas it hath been this day duly proved before me S. P. Esq. one of His Majesty's justices of the peace in and for the said county, by A. B. of ——, and C. D. of —— in the county aforesaid, that E. F. of —— in the said county, on the —— day of —— instant, wilfully, willingly and of purpose [*as in the information*]; and whereas the said E. F. in pursuance of the said statute is now required by me the said justice to find two sureties, to be bound in a recognizance in the penal sum of £50. conditioned for his personal appearance at the next general quarter sessions of the peace to be held in and for the said county, to answer for the said offence; but inasmuch as the said E. F. hath not found such sureties, these are therefore to require you the said constable forthwith to convey and deliver the said E. F. together with this my warrant, into the custody of the keeper of the said gaol at —— aforesaid; and you the said keeper are hereby also required to receive the said E. F. into your custody in the said gaol, and him there safely keep until the next general quarter sessions of the peace to be held in and for the said county, or until he shall be from thence discharged by due course of law.

Given under my hand and seal, the —— day of ——, 1817.
S. P.

See "*Dissenters.*"

QUAKERS.

Quakers, where an oath is required, are allowed to make their solemn affirmation. 1 *Geo. I. c.* 6. but they are not allowed to give evidence in a criminal cause, or to serve on juries, or bear any office under government, unless they take the customary oaths like other protestants. The court of King's Bench will not grant security for the peace upon a quaker's affirmation, nor a rule for an information. A corrupt affirmation incurs the penalties of wilful perjury; and by stat. 22 *Geo. II. c.* 46, *s.* 36, a quaker's affirmation shall be allowed in all cases (except criminal), where by any act of parliament an oath is required, though no special provision be made to that effect.

By 53 *Geo. III. c.* 127, extending the provisions of 7 and 8 *W. III.* and 1 *Geo. I.* it is enacted, that where any quaker shall refuse to pay or compound for their great or small tithes, or to pay any church rates, one justice may receive the complaint, and summon the party to appear before two justices, who may hear and determine the same, so that the sum for which the party is summoned do not exceed £50. such justices may award costs not exceeding 10s. and on refusal to pay they may levy the same by distress warrant; but the party may appeal to the next sessions, and if notice of such

appeal is given, no distress shall be made until the appeal is determined, and no *certiorari* allowed, unless the title to the tithes comes in question.

Complaint of the Churchwarden against a Quaker for non-payment of a Church Rate.

A. B. churchwarden of the parish of —— in the county of ——, maketh oath and saith, that C. D. of —— in the said county, yeoman (being one of the people called Quakers), hath refused and still doth refuse to pay the sum of ——, being the sum duly rated and assessed in the churchwarden's rate made the —— day of —— last, and which is now justly due from him the said C. D.; therefore the said A. B. prayeth relief in the premises, and that the said C. D. may be summoned to answer the said complaint.

A. B.

Exhibited before us, the
—— day of ——, 1817.
J. C.
S. P.

Summons thereon.

To all Constables and others His Majesty's Officers of the Peace for the county of ——.

—— to wit. Whereas C. D. of the parish of —— in the county aforesaid, (being a person commonly called a Quaker,) hath refused to pay unto A. B. churchwarden of the parish aforesaid, the sum of ——, duly rated and assessed in the churchwarden's rate made the —— day of ——, 1817, which is now justly due from the said C. D. unto the said A. B. These are therefore to authorize and require you forthwith to summon the said C. D. to appear before us, at —— in the said county of ——, on —— the —— day of ——, at the hour of —— in the ——noon of the same day, to answer unto the said complaint; and be you then there to certify what you shall have done in the premises.

Given under our hands, at —— in the said county, the —— day of ——, 1817.

J. C.
S. P.

Order to Pay.

—— to wit. Whereas complaint hath been made unto us J. C. and S. P. Esquires, two of His Majesty's justices of the peace in and for the said county, by A. B. churchwarden of the parish of —— in the said county, that C. D. of —— aforesaid, in the county aforesaid, (being a person commonly called a Quaker,) hath refused to pay the sum of —— duly rated and assessed in the churchwarden's rate made the —— day of ——, 1817, and justly due unto him the said A. B. We therefore the said justices, being neither of us patrons of the parish church of —— aforesaid, nor any way interested in any of the rights, dues or other payments belonging to the parish church aforesaid, having duly summoned the said C. D. before us, and having also examined the truth of the said complaint upon oath, do find that there is justly due the aforesaid sum of —— from the said C. D. to him the said A. B.; and do order and appoint the aforesaid C. D. to pay or cause to be paid unto him the said A. B. the aforesaid sum of ——. And we do also order and appoint the aforesaid C. D. to pay or cause to be paid unto him the said A. B. the further sum of —— for such costs and charges concerning the premises, as upon the merits of the case do appear to us just and reasonable.

Given under our hands and seals, at —— in the said county, the —— day of ——, in the year of our Lord 1817.

J. C.
S. P.

[The distress warrant may be in the same form, *mutatis mutandis*, as the one for tithes.]

Complaint against a Quaker for non-payment of Tithes.

To J. C. and S. P. Esquires, two of His Majesty's Justices of the Peace in and for the county of ——.

—— to wit. A. B. rector of the parish church of —— in the said county, maketh oath and saith, that C. D. of —— in the said county, yeoman, (being a person commonly called a Quaker,)

hath refused and still doth refuse to pay to him the said A. B. or to compound with him for the great and small tithes and other rights, dues and payments belonging to the said church, of right by law and custom due from him the said C. D. unto him the said A. B.; and that there is the sum of —— now justly due from him the said C. D. unto him the said A. B. for the great and small tithes and other rights, dues and payments aforesaid. The said complainant therefore prayeth such redress in the premises as to the law doth appertain.

A. B.

Exhibited before us, the
—— day of ——, 1817.
J. C.
S. P.

Summons thereon.

To all Constables and others His Majesty's Officers of the Peace for the county of ——.

—— to wit. Whereas A. B. rector of the parish church of —— in the county of ——, hath complained unto us whose names are hereunto set and seals affixed, two of His Majesty's justices of the peace in and for the said county of ——, that C. D. of the parish of —— in the said county of ——, yeoman, (being a person commonly called a Quaker,) hath refused to pay unto him the said A. B. or to compound with him for the tithes, offerings, oblations and other rights, dues and payments belonging and justly due to him the said A. B. of the great and small tithes arising, growing and renewing within the said parish of ——, amounting in the whole to the sum of ——, which is now justly due to him from the said C. D. These are therefore to authorize and require you forthwith to summon the said C. D. to appear before us, at —— in the said county of ——, on —— the —— day of ——, at the hour of —— in the ——noon of the same day, to answer unto the said complaint; and be you then there to certify what you shall have done in the premises.

Given under our hands, at —— in the said county, this —— day of ——, 1817.

J. C.
S. P.

Order on a Quaker to pay his Tithes.

—— to wit. Whereas complaint hath been made unto us whose names and seals are hereunto set and affixed, being two of His Majesty's justices of the peace for the said county, by A. B. rector of the parish church of —— in the said county, that C. D. (being a person commonly called a Quaker,) hath refused to pay or to compound with him the said A. B. for the tithes and other rights, dues and payments belonging to the said church, and justly due unto him the said A. B. We therefore the said justices, being neither of us patron of the parish church of —— aforesaid, nor any way interested in any of the said tithes, rights, dues or other payments, having duly summoned the said C. D. before us, and also duly examined the truth of the said complaint upon oath, do find that there is justly due for the same from him the said C. D. to him the said A. B. the sum of ——, and do order and appoint the said C. D. to pay or cause to be paid unto him the said A. B. the sum of —— for the tithes, dues and payments aforesaid; and also the further sum of —— for such costs and charges concerning the premises, as upon the merits of the case do appear to us just and reasonable.

Given under our hands and seals, this —— day of ——, in the year of our Lord, 1817.

J. C.
S. P.

Distress Warrant on non-payment, in pursuance of the last Order.

To the Constable of ——.

—— to wit. Whereas upon the complaint of A. B. rector of the parish church of —— in the county aforesaid, C. D. of —— in the parish aforesaid in the county aforesaid, (being a person commonly called a Quaker,) hath been duly summoned to appear before us J. C. and S. P. Esquires, two of His Majesty's justices of the peace for the said county, to be examined for non-payment of his tithes and other rights, dues and payments belonging to the church of —— aforesaid, and due unto

him the said A. B. from him the said C. D. And whereas the said justices, upon examination thereof, have ordered the said C. D. by writing under their hands and seals, to pay unto the said A. B. the sum of —— for such his tithes and other rights, dues and payments as aforesaid; and moreover, the sum of —— for the charges of him the said A. B. in recovering the same, making in the whole the sum of ——. And whereas it appeareth unto me, being one of the said justices and also being one of the two next justices to the parish church of —— aforesaid in the county aforesaid, not being patron of the said church nor any way interested in any of the said tithes, rights, dues or payments, that the said C. D. had due notice of the said order, but hath refused and doth refuse to pay and hath not paid the said sum of —— nor any part thereof. These are therefore to authorize and command you that you do forthwith levy the aforesaid sum of —— by distress and sale of the goods and chattels of the said C. D. and out of the money arising from such sale, that you do pay or cause to be paid unto him the said A. B. the said sum of ——, and thereout also deduct your necessary charges of distraining; and if any overplus shall remain after such payment and deduction as aforesaid, that you do render the same unto the said C. D.

Given under my hand and seal, at —— in the said county, this —— day of ——, 1817.

S. P.

RECEIPTS.

By 55 *Geo. III. c.* 184, the duties by former acts are repealed, and other duties imposed. Writing receipts without stamps, or on stamps of a lower value, incurs a penalty of £10. if the sum paid does not amount to £100. and £20. if the sum amounts to £100. and upwards. 31 *Geo. III. c.* 27, *s.* 17.—35 *Geo. III. c.* 55, *s.* 8. and no person shall give a receipt for a less sum than actually received, or divide the amount, or do any other act to defraud,

under penalty of £50. 35 *Geo. III. c.* 55, *s.* 9.—The receiver to discharge the duty, under the penalty of £10. 43 *Geo. III. c.* 126, *s.* 5.

All penalties may be sued for by action, or the neighbouring justice may hear any offence subjecting the party to pecuniary penalties, who may, if the complaint is laid within three months, summon the offender and witnesses; and on confession or oath of one witness, may hear and determine the same and levy the penalty by distress; if the goods are not redeemed within six days, they may be sold: half the penalty to the King, and half to the informer; in default of distress, the offender may be committed for two calendar months, unless the penalty is sooner paid. 31 *Geo. III. c.* 25, *s.* 24, 25.—35 *Geo. III. c.* 55, *s.* 12, 13. Appeal allowed to the next sessions, on giving security to the amount of the penalty and costs.—Justices may mitigate penalties not less than one half with costs. *s.* 14.—Witnesses not attending summons forfeit 40*s.* to be recovered in like manner.

RECOGNIZANCE

Is an obligation of record entered into before some magistrate duly authorized, with condition to appear at the sessions or assizes, or to keep the peace, &c. Justices of the peace are authorized by particular statutes to take recognizances, but those taken for the peace or good behaviour, are, rather

incident to their office, than by any other authority. If a person refuse to give recognizance, he may be committed. *Dalt. c.* 168. but justices are not authorized to take recognizances in any matter not connected with their office.

The form of a recognizance must be as follows; —it must be made *to the King*; it must contain the names, places of residence, with additions of the principals and sureties, and the penalty in which they are bound. The condition (upon the performance of which the recognizance is void) is either underwritten or indorsed, and the manner of taking it is by calling the parties by name, thus—

"You A. B. acknowledge to owe to our Sovereign Lord the King the sum of £——, and you C. D. acknowledge, &c. to be levied of your goods and chattels for the use of our said Lord the King, his heirs and successors; if default shall be made in the condition following, that is to say, if you the said A. B. shall make default in appearing, &c.

The parties need not sign it, and the record, which is afterwards made out on parchment, must be subscribed by the justice before whom it is taken. *Dalt. c.* 176.—It is a matter of record as soon as taken and acknowledged, although not made up by the justice, and only entered in his book. *Ibid. c.* 168.

Recognizances taken for the peace must be certified to the next sessions, that the party may be called, and if they do not appear they will be estreated, but in felony they are to be certified to the general gaol delivery. 1 and 2 *P. and M. c.* 13.

By 4 *Geo. III. c.* 10, the Barons of the Exchequer may discharge on affidavit and petition, the recognizances of persons estreated, except for debts due to the crown, other than by the recognizance prayed to be discharged; and also except in cases of defrauding the revenue, by contraband trade, or assaulting an excise or custom-house officer in the execution of his duty.—No more than £1. 1s. to be taken for an order of discharge.

Recognizance with Sureties.

—— to wit. Be it remembered that on the —— day of ——, in the 57th year of the reign of our Sovereign Lord George III. by the grace of God of the United Kingdom of Great-Britain and Ireland King, Defender of the Faith, &c. A. B. of —— in the said county of ——, mason, and C. D. of —— in the said county, yeoman, and E. F. of —— in the said county, smith, personally came before me S. P. Esq. one of the justices of our said Lord the King, assigned to keep the peace in and for the said county, and severally acknowledged themselves to owe to our said Lord the King, that is to say, the said A. B. the sum of £——, and the said C. D. and E. F. each the sum of £—— separately, of good and lawful money of Great-Britain, to be made and levied of their goods and chattels, lands and tenements respectively, to the use of our said Lord the King, his heirs and successors, if the said A. B. shall make default in the condition hereunder written, [*or hereon indorsed, as the case is*].

Acknowledged the day and year
above written, before me,
S. P.

THE CONDITION of the above [*or within*] written recognizance is such, that if the above bound A. B. do and shall —— then the said recognizance to be void, or otherwise remain in full force.

Form of a Recognizance without Sureties.

—— to wit. Be it remembered that on the —— day of ——, in the 57th year of the reign of our Sovereign Lord George III. by the grace of God of the United Kingdom of Great-Britain and Ireland King, Defender of the Faith, A. B. of ——, in the said county of ——, labourer, personally came before me S. P. Esq. one of the justices of our said Lord the King assigned to keep the peace in and for the said county, and acknowledged himself to owe to our said Lord the King £—— of good and lawful money of Great-Britain, to be made and levied of his goods and chattels, lands and tenements, to the use of our said Lord the King, his heirs and successors, if he the said A. B. shall make default in the condition hereunder written. [or *hereon indorsed.*]

Acknowledged the day and year above written, before me,

S. P.

The Condition of the above [or *within*] written recognizance is such, that if the above bound A. B. do and shall—then the above recognizance to be void, or otherwise remain in full force.

Recognizance to enter and try Appeal against the Conviction of a Justice.

—— to wit. Be it remembered &c. [*as in the preceding form.*]

The Condition of the above obligation is such, that if the above bounden A. B. do and shall at the next general quarter sessions of the peace to be holden in and for the said county, enter and try his appeal (whereof he hath given notice) against a conviction bearing date the —— day of —— last, under the hands and seals of J. C. and S. P. Esquires, two of His Majesty's justices of the peace in and for the said county, of him the said A. B. for having [*state the offence*], and do and shall

abide the order of, and pay such costs as shall be awarded by His Majesty's justices of the peace at such quarter sessions, then this recognizance to be void.

Taken &c. before me,

S. P.

Petition to the Barons of the Exchequer to discharge an estreated Recognizance.

To the Right Hon. Sir Alexander Thompson, Knight, Lord Chief Baron of His Majesty's Court of Exchequer at Westminster, and the rest of the Barons there.

The humble Petition of A. B. of —— in the county of ——, yeoman,

Sheweth,

That your petitioner on the —— day of —— last, together with C. D. of &c. became bound in a recognizance to His present Majesty in the sum of £—— conditioned for the personal appearance of the said C. D. at the then next general quarter sessions of the peace to be held at —— in and for the said county, to answer to a bill of indictment to be then and there preferred against him for an assault on E. F. of &c. That the said C. D. instead of appearing at the said sessions according to the condition of the said recognizance hath absconded and hath not since been heard of.

That default having been made in the performance of the condition of the said recognizance by the non appearance of the said C. D. at the said quarter sessions, the same became forfeited and hath been estreated into this honourable Court.

That your petitioner is poor and indigent, and much reduced in his circumstances since he entered into the said recognizance, and receives parochial relief from ——, as appears by the affidavit hereto annexed.

Your petitioner therefore humbly prays your Lordships will be pleased to order your petitioner's said recognizance to be discharged without a *quietus*. And your petitioner shall ever pray &c.

Affidavit to be annexed.

In the Exchequer.

A. B. of —— in the county of ——, and C. D. of —— in the county aforesaid, severally make oath and say—and first, this deponent A. B. for himself saith, that he is poor and indigent and much reduced in his circumstances, and that he receives relief as a pauper from the parish of ——, and that the petition hereto annexed is true in substance and in fact. And the said C. D. for himself saith, that he is one of the overseers of the poor of the said parish of ——, and that the said A. B. is very poor and indigent, and subsists, as this deponent verily believes, on the relief afforded him as a pauper by the said parish of ——.

RESCUE

Is defined by *Blackstone*, 4 *Com. c.* 10, to be the forcibly and knowingly freeing another from arrest and imprisonment; and it is generally the same offence in a stranger so rescuing, as it would have been in a gaoler voluntarily suffering an escape; but here, as upon voluntary escapes, the principal must be first attainted or receive judgment, before the rescuer can be punished; for by possibility there may have been no offence committed. 1 *Hales, P. C.* 607. nevertheless, as the rescue is in contempt of some legal process the offender may be committed and punished according to the nature and degree of his offence.

To hinder a person who has committed felony from being arrested is a misdemeanor only; but if rescued after arrest, and the arrest was for felony, the

rescuer is a felon; if for treason, a traitor; and if for a trespass, fineable. *Hales, pl.* 116. 2 *Hawk.* c. 21. but though the felony be not within clergy, yet the rescuing the offender is within clergy. 1 *H. H.* 599, 607.

Commitment for a Rescue.

To the Constable of —— in the county of ——, and to the Keeper of the Common Gaol at —— in the county of ——.

—— to wit. Whereas A. B. of —— in the county of ——, yeoman, and C. D. of —— in the county aforesaid, labourer, are this day brought before me S. P. Esq. one of His Majesty's justices of the peace in and for the said county, and charged on the oaths of E. F. and G. H. constables of ——, with having this day, at —— in the county aforesaid, unlawfully, riotously and against the king's peace rescued and set at large one J. K. committed to the custody of them the said constables to be conveyed to the common gaol of —— in the county of ——, for a felony, by virtue of a warrant under the hand and seal of me the said justice, bearing date the —— day of —— instant. These are therefore to command you the said constables forthwith to convey and deliver into the custody of the keeper of the said gaol, the bodies of them the said A. B. and C. D. together with this my warrant. And also to command you the said keeper to receive the said A. B. and C. D. into your custody in the said gaol, and them there safely to keep until they shall be discharged therefrom by due course of law.

Given under my hand and seal, at —— in the said county, the —— day of ——, in the year of our Lord 1817.

S. P.

RIOT, ROUT, &c.

A riot is the forcibly doing an unlawful thing by three or more persons assembled together for that purpose. By the common law peace officers may

suppress a riot, and may command all other persons to assist them, 1 *Haw. c.* 65, *s.* 11. and by *stat.* 34 *Edw. III. c.* 1, justices of the peace may restrain rioters and arrest them, and cause them to be imprisoned. By the construction of this statute, one justice may not only arrest offenders and bind them over to their good behaviour, but may imprison them if they do not offer good bail; he may also authorize others to arrest them by verbal command without any other warrant, and by force thereof the person so required, may pursue and take the offenders in his absence.—He may also issue his warrant to arrest the offenders after the riot is over, and may commit them to prison till they find sureties for their good behaviour. *Ibid. s.* 16. but one justice cannot record a riot on view, or take inquisition thereof after it is over.

If the rioters are above twelve in number, the power of justices is extended by 1 *Geo. st.* 2, *c.* 5, called the Riot Act.—Those who wilfully oppose any person making proclamation to disperse, or if twelve or more continue together after such proclamation is made, they shall be guilty of felony without benefit of clergy. *s.* 1, 5. and every justice or other peace officer, or persons of age and ability commanded by them to assist, may apprehend offenders and carry them before a justice, to be proceeded against according to law; and if any rioters be killed or hurt in dispersing or apprehending them, such person shall be indemnified. *s.* 3. Any

persons, though under twelve in number, unlawfully demolishing, or beginning to demolish any church, chapel or other place of religious worship, or any dwelling house, barn, stable or out-house, shall be guilty of felony without benefit of clergy. *s.* 4. and one justice may proceed against them as against other felons.

By 13 *Hen. IV. c.* 7, any two justices with the sheriff or under sheriff, may come with the *posse comitatus*, if necessary, and suppress a riot, and record the circumstances, which record shall be a sufficient conviction of the offenders; if the rioters are departed, the justices shall make enquiry within a month afterwards, and hear and determine the same.—Rioters convicted on the view of two justices and the sheriff, may be fined; and the statute requires that the sheriff should join in assessing the fine. *Raym.* 386.—Where riots are committed, the sheriff, on precept directed to him, shall return 24 persons within the district to enquire thereof. 19 *Hen. VII. c.* 13. and the riot being found by the inqnisition, the justices shall make a record thereof in writing, which is to remain with one of the justices. *Dalt. c.* 82.

By 52 *Geo. III. c.* 130, persons wilfully destroying any building, or any engine used in any manufactory, shall, on conviction, be deemed guilty of felony and suffer death. *s.* 1. and persons tumultuously assembling, and with force pulling down, or beginning to pull down or demolish any building,

goods or machinery, to suffer the like punishment. *s.* 2. the value of buildings, engines, machinery, &c. to be recovered as under *Geo. I. c.* 5; but no person shall recover such damage, unless he or his servants give notice within two days, to some of the inhabitants near the place where the fact is committed; and shall also depose on oath, within four days, before a justice, as to his or their knowledge of the party offending; and if the offender is known, then the justice to take recognizance to prosecute. Hundred not liable to an action for damages, unless brought within one year. *s.* 4.

Record of a Riot on view.

—— to wit. Be it remembered that on the —— day of ——, in the 57th year of the reign of &c. we, J. C. and S. P. Esqrs. two of the justices of our said Lord the King assigned to keep the peace in the said county, and J. P. Esq. sheriff of the said county, on the complaint and at the request of A. B. of —— in the county aforesaid, Esq. in our proper persons have come to the mansion house of him the said A. B. at —— aforesaid, and then and there do find C. D. of ——, yeoman; E. F. of ——, yeoman; G. H. of ——, yeoman, and other malefactors and disturbers of the peace of our said Lord the King, to us unknown, in a warlike manner arrayed; to wit, with clubs, swords and guns, unlawfully, riotously and routously assembled, and the same house besetting, many evils against him the said A. B. threatening, to the great disturbance of the peace of our said Lord the King and terror of his people, and against the form of the statute in that case made and provided; and therefore we the aforesaid J. C. and S. P. and J. P. the aforesaid C. D. E. F. and G. H. do then and there cause to be arrested, and to the next gaol of our said Lord the King in the county aforesaid to be conveyed, by our view and record of the unlawful assembly, riot and rout aforesaid convicted; there to

remain every and each of them respectively, until they shall severally and respectively have paid to our said Lord the King the several sums of £10. each, which we do impose upon them and every of them separately for their said offence. In testimony whereof to this our present record we do put our seals. Dated at —— aforesaid, the day and year aforesaid.

J. C.
S. P.
J. P.

Commitment of Rioters on view.

—— to wit. J. C. and S. P. Esquires, two of the justices of our said Lord the King assigned to keep the peace within the said county, and J. P. Esq. sheriff of the said county, to the keeper of the gaol of our said Lord the King, at —— in the said county, and to his deputy and deputies there, and to every of them, greeting.

Whereas upon complaint made unto us by A. B. of ——, gentleman, we did this present —— day of —— go to the house of the said A. B. at —— aforesaid, and there did see C. D. of ——, yeoman; E. F. of ——, yeoman, and G. H. of ——, yeoman, and other malefactors to us unknown, assembled together in an unlawful, riotous and routous manner, to the terror of the people and against the peace of our said Lord the King, and against the form of the statute in that case made and provided; we do therefore send you, by the bringers hereof, the bodies of the said C. D. E. F. and G. H. convicted of the said riot, rout and unlawful assembly, by our own view, testimony and record, commanding you in the name of our said Lord the King, to receive them into the said gaol, and them and every of them respectively there safely to keep until they and every of them shall respectively pay to our said Lord the King the several respective sums of £—— each, which we have set and imposed upon them and each and every of them separately for the said offence.

Given under our hands and seals, at —— aforesaid in the county aforesaid, the day and year aforesaid.

J. C.
S. P.
J. P.

Precept to summon a Jury.

—— to wit. J. C. and S. P. Esquires, two of the justices of our Lord the King assigned to keep the peace in the county aforesaid, and also to hear and determine divers felonies, trespasses and other misdemeanors in the said county committed, to the sheriff of the said county greeting. On the behalf of our said Lord the King, we command you that you cause to come before us, at —— in the county aforesaid, on the —— day of —— next ensuing, twenty-four honest and lawful men of the county aforesaid, every one of which to have lands and tenements within the said county, of the yearly value of 20s. of charter land or of freehold, or 26s. and 8d. of copyhold, or both, over and above all charges, to enquire for our said Lord the King, and for our indemnity in this behalf, upon their oath of certain riots, routs and unlawful assemblies, at —— in the county aforesaid lately committed, as it is said, and that you return upon every person, so by you to be impannelled, 20s. of issues at the aforesaid day, to be by them respectively forfeited, if they shall not appear and be sworn to enquire of the premises, at the same time and place; and this you shall in no wise omit on pain of £20.

Given under our hands and seals, at —— aforesaid, the —— day of ——, in the 57th year of the reign of George III. &c.

Juror's Oath.

You shall true enquiry and presentment make of all such things as shall come before you, concerning a riot, rout and unlawful assembly, said to have been lately committed at —— in this county; you shall spare no one for favour or affection, nor grieve any one for hatred or ill will; but proceed herein according to the best of your knowledge, and according to the evidence that shall be given to you. So help you God.

The oath which your foreman hath taken on his part, you and every of you shall well and truly observe and keep on your parts.—So help you God.

The Inquisition, Indictment, or Presentment of the Jury.

—— to wit. An inquisition for our Lord the King indented and taken at ——, in the county aforesaid, the —— day of ——, in the 57th year of the reign of his present Majesty, King George III. by the oath of —— honest and lawful men of the county aforesaid, before J. C. and S. P. Esquires, justices of our said Lord the King assigned to keep the peace in the said county, and also to hear and determine divers felonies, trespasses and other misdemeanors in the said county committed, who say upon their oath aforesaid, that C. D. of ——, yeoman; E. F. of ——, yeoman, and G. H. of ——, yeoman, together with other malefactors and disturbers of the peace of our said Lord the King, to the jurors aforesaid as yet unknown, on the —— day of —— now last past, at —— aforesaid in the county aforesaid, with force and arms, to wit with clubs swords and guns, unlawfully, routously and riotously did assemble to disturb the peace of our said Lord the King, and so being then and there assembled and gathered together, the mansion house of A. B. Esq. at —— aforesaid, unlawfully, routously and riotously did enter, and in and upon him the said A. B. then and there unlawfully, routously and riotously did make an assault, and him the said A. B. then and there routously and riotously did beat, wound and ill treat, in disturbance of the peace of our said Lord the King and to the terror of his people, and against the form of the statute in such case made and provided.

We whose names are hereunto set, the above jurors, do find this inquisition true, J. K.
L. M. &c.

We the justices abovesaid do hereby impose the fines hereunder written on the aforesaid offenders,

C. D. £20.
E. F. £20.
G. H. £20.

Commitment for a Riot and feloniously beginning to demolish a House.

To the Keeper of ——.

—— to wit. Receive into your custody the body of E. F. herewith sent you, brought before me S. P. Esq. one of His Majesty's justices of the peace for the said county, and charged by A. B. before me the said justice upon oath, with unlawfully riotously, tumultuously and feloniously assembling with divers other persons to the disturbance of the public peace, at the parish of —— in the county of ——, on —— the —— day of ——, 1817, and with force and arms beginning to demolish and pull down a certain dwelling house there situate, belonging to A. B. Esq. contrary to the statute &c.

The Rie, for continuing a Riot after the Riot Act had been read.

For that they the said E. F. G. H. &c. together with divers other persons, to the number of twelve and more, on &c. at ——, being unlawfully, riotously and tumultuously assembled together to the disturbance of the public peace, and being then and there required and commanded by S. P. Esq. one of His Majesty's justices &c. by proclamation then and there made in the King's name, directed by the statute in that case made and provided, to disperse themselves and peaceably to depart to their habitations or to their lawful business, did then and there, to the number of twelve and more (notwithstanding such proclamation made), feloniously, unlawfully, riotously and tumultuously remain and continue together for the space of one hour after such command and request made by proclamation as aforesaid, contrary to the form of the statute &c. and against the peace &c.

See *Affray, Assault, Sedition, Surety for the Peace.*

RIVERS AND NAVIGATION.

By 27 *Geo. II. c.* 16, if any person shall wilfully and maliciously draw or pluck up any floodgate fixed or made in any wear or lock, erected or to be erected by authority of Parliament, in or on any navigable river, he shall on conviction or oath of one witness before two justices of the county, or the adjacent county, be sent to the house of correction to hard labour for one month. *s.* 2. but by 4 *Geo. III. c.* 12, this offence is made felony, and punishable with transportation for seven years. *s.* 5.

By 19 *Geo. II. c.* 22, masters of vessels, &c. casting out rubbish, &c. within any sewer, port or navigable river, except on the land where the tide never flows, any one justice may summon the offender, and on due proof on view, by confession or oath of one witness, the master or person acting as master, shall forfeit not above £5. nor less than 50s. (increased to £10. by 54 *Geo. III. c.* 149, besides the charges of removing the obstruction. *s.* 11, 12, 13.) half to the informer and half to the poor of the parish wherein conviction shall take place; to be levied by distress on the goods of the offender, or of the ship or tackle, or for want of distress the party to be committed to the common gaol or house of correction for two months or until payment made. If any vessel shall be sunk, stranded or

run ashore in any harbour, port or navigable river, one justice, if the owner shall not within five days give security to the justice to clear the harbour, &c. of the wreck, and pay the charges thereof, may cause the hulk and tackle to be sold, and after payment of the expenses, shall render the overplus to the owner. *s.* 3. Justices may act though rated to the poor, and conviction to be final. *s.* 45.

By 54 *Geo. III. c.* 149, no private ship without license, unless from stress of weather, to fasten to any of His Majesty's moorings, under penalty of £10. for every tide such ship shall remain moored, and for neglecting to unmoor when duly required, to forfeit a further penalty of £10. *s.* 4.

If any private ship shall by accident or otherwise hook any of His Majesty's moorings, the master thereof shall not unhook the same, under penalty of £10., but shall give notice to the harbour master, and a sum not exceeding £5. shall be paid by the owner of such ship, for the expense of clearing such ship, to be adjudged by one justice. *s.* 5.

Places to be appointed by the Lord High Admiral for breaming ships, and leaving and receiving gunpowder; and any owner, pilot, &c. of any private ship coming (except from stress of weather) within the distances appointed, having on board more than 5lb. weight of gunpowder, and shall not unship the same within 24 hours, to forfeit £5. for every 5lb. weight of gunpowder. *s.* 6. and for

breaming such ships except at places to be appointed, a penalty of £5. *s.* 7.

Keeping guns shotted in any port, &c. incurs a penalty of 5*s.* for every gun; and for every gun fired before sun rising or after sun setting, 10*s.* for each gun so fired. *s.* 8.

Harbour master, &c. is authorized to search ships for the purposes aforesaid, and obstructing such search incurs a penalty of £10. *s.* 9. No person, except duly authorized, to sweep for anchors or other naval stores in any ports, &c. under penalty of £10. *s.* 10.

No person to take ballast from the shores of harbours, &c. without authority, under penalty of £10. *s.* 14. and tarpaulins to be used in conveying ballast to ships, under penalty of £5. *s.* 15.

All penalties to be sued for within twelve months next after the offence, half to the King and half to the informer; commissioners of the navy may act as justices of the peace, and hear and determine offences. *s.* 21.

Penalty for witnesses not attending on being summoned, £10. *s.* 24.

SEARCH WARRANT.

A justice cannot upon bare surmise grant a search warrant to break open a house, but may on oath of suspicion that the goods are in a particular house; the warrant may be to attach the goods

and bring the party in whose custody they are found, before him or some other justice, to give an account how they were come by. 2 *H. H.* 113, 150. By 22 *Geo. III.* c. 58, one justice, on complaint made on oath that there is reasonable suspicion of stolen goods being concealed, may by warrant cause any house, &c. where they are suspected to be deposited, to be searched in the day time, and the person knowingly concealing them, or in whose custody they are found, he being privy thereto, shall be guilty of a misdemeanor, and may, on conviction, be punished by the quarter sessions, by fine, imprisonment or whipping. *s.* 1, 2. though the statute stipulates that the search should be made in the day time, yet if the facts are proved, by positive testimony, the warrant may be executed in the night.—The warrant should be directed to a constable or other peace officer, and not to a private person; but the party complaining should be present in order to identify the goods. 2 *H. H.* 150.—If the door of the suspected house should be shut, the officers on demand, and refusal to be admitted, may break open the door. 2 *H. H.* 151. and he is justifiable even though the goods are not found; but the party at whose suggestion the warrant is granted is punishable. *Ibid.*

A person carrying suspected goods in the night may be apprehended by any constable within his constablewick, or watchman on duty, and carry the party before a justice, who may on conviction im-

prison the offender not more than six nor less than three calendar months. 22 *Geo. III. c.* 58, *s.* 3.

Upon the constable's returning the warrant, the stolen goods are to be deposited with the sheriff or constable, that the party robbed may, by indictment, gain restitution. 2 *H. H.* 151.—If the party in whose custody the goods are, is ignorant that they were stolen, he may be discharged; but should be bound over to give evidence.—If it appears that he was privy to the theft, he may be committed to answer the felony. 2 *H. H.* 152.

Information to obtain a Search Warrant for Stolen Goods.

——— to wit. Be it remembered that this —— day of ——, in the year of our Lord 1817, A. B. of ———, in his proper person cometh before me J. C. Esq. one of His Majesty's justices &c. and upon oath maketh complaint that on the ——— day of —— [or *within* —— *days, as the fact is*], divers goods and chattels of him the said A. B. of the value of ——, to wit [*describe the things stolen*], were feloniously stolen, taken and carried away from and out of the dwelling house of him the said A. B. situate at —— aforesaid in the county aforesaid, by some person or persons unknown, and that he hath just and reasonable cause to suspect and doth suspect that the said goods and chattels, or some part thereof, are concealed in the dwelling house of E. F. of —— in the said county, labourer, for he the said A. B. upon his oath doth depose and say that [*state the grounds of suspicion which must be reasonable*], and thereupon he the said A. B. prayeth that justice may be done in the premises.

A. B.

Taken before me,
J. C.

Search Warrant.

To the Constable of ——.

—— to wit. Whereas it appears to me, J. C. Esq. one of the justices of our Lord the King assigned to keep the peace in the said county, by the information and complaint on oath of A. B. of &c. that the following goods, to wit [*describe the stolen articles*], have within —— days last past, by some person or persons unknown, been feloniously taken, stolen and carried away out of the house of the said A. B. at —— in the county aforesaid; and that the said A. B. hath probable cause to suspect and doth suspect that the said goods or part thereof are concealed in the dwelling house of E. F. of &c. These are therefore in the name of our said Lord the King to authorize and require you, with necessary and proper assistants, to enter in the day time into the dwelling house of the said E. F. at &c. and there diligently to search for the said goods; and if the same or any part thereof shall be found upon such search, that you bring the goods so found, and also the body of the said E. F. before me or some other of the justices of our said Lord the King, assigned to keep the peace in the county aforesaid, to be disposed of and dealt with according to law.

Given under my hand and seal, the —— day of ——, 1817.

J. C.

SEDITION.

All societies to be deemed unlawful, the members whereof are required to take any unlawful oath. 37 *Geo. III. c.* 123. or any illegal oath or test, or which shall have any members, committees or officers not known to the society at large, or the names of all the members whereof shall not be entered in regular books, or which act in separate branches and members thereof, and persons cor-

responding with or supporting them, shall be guilty of an unlawful combination. 39 *Geo. III. c.* 79, *s.* 1, 2. but not to extend to declarations taken by any society approved by two justices and confirmed by the sessions; nor to extend to freemasons. *s.* 5, 6. Offenders against this act may be proceeded against either before one justice or by indictment, and persons may be convicted on the oath of one witness, and shall forfeit £20. or suffer three months imprisonment, as such justice shall think fit; which penalty, with costs, may be levied by distress and sale; and if no distress, the offender to be committed to the common goal or house of correction for not exceeding three calendar months. *s.* 8.—Justices may mitigate, so as not to reduce the fine or imprisonment to less than one-third. *s.* 9. but offenders prosecuted before a justice shall not be proceeded against by indictment. *s.* 10.—Any person permitting such unlawful meeting to be held in his house or apartment, shall forfeit £5. *s.* 13. and two justices on oath of an unlawful meeting at a licensed ale house, may declare the license forfeited. *s.* 14. Places for lecturing, debating, &c. deemed disorderly, unless licensed by two justices at the quarter or special sessions.—Persons opening such places, acting as chairman, debating, or collecting money for admission, to forfeit £20. for every offence. *s.* 15.—And persons appearing as master may be prosecuted, although not the owner. *s.* 16.—Justices may demand admission to such

house, and if refused, the place to be deemed disorderly, and the person refusing shall forfeit £20. s. 19.—Two justices on evidence on oath that seditious or immoral lectures are delivered in any licensed place, may declare the license forfeited. s. 20.

Printers to give notice in writing to the clerk of the peace of the number of their presses; and persons keeping presses or types without notice, or using them in any place not expressed therein, to forfeit £20. s. 23.—Sellers of presses and types, and letter-founders, are liable to the same regulations and forfeitures. s. 25.—An account to be kept of types and printing presses sold, and to whom, to be produced to any justice when required, under a penalty of £20. s. 26.—The name and place of abode of the printer to be printed on every paper or book, under a penalty of £20. (papers printed by authority of Parliament excepted). s. 27. Printers to keep a copy of every paper they print, and to write thereon the name and abode of their employer, on pain of £20. for neglect, or refusing to produce the copy within six months. s. 29.—Any person in whose presence a printed paper shall be sold without the name and abode of the printer, may seize the party, and convey him before a justice. s. 30. but not to extend to engraving or printing cards of address, nor to catalogues or particulars for sales of estates, &c. s. 31, 32.—A justice may empower a peace officer to search for presses and

types suspected to be illegally used, and to seize them and the printed papers found. *s.* 33.—Prosecutions to be commenced within three months after the penalty is incurred. *s.* 34.—If the penalty does not exceed £20. it may be recovered before any justice, who may levy the same by distress, and in default thereof, may commit the party for not more than six nor less than three calendar months; one moiety to the informer, and the other to the King. *s.* 36.

By 51 *Geo. III. c.* 65, the act of 39 *Geo. III.* for suppression of seditious societies, is amended.

Persons printing or publishing papers or books contrary to the provisions of that act, are not to be liable to more than twenty-five penalties for any number of copies of the same book or paper. *s.* 1. and justices may mitigate penalty to not less than £5. besides costs. *s.* 2. Name and residence of printers not required to any bank note, bank post bill, bill of exchange, or promissory note, bond for money, bill of lading, policy of insurance, letter of attorney, deed or agreement, transfer or assignment of stocks, funds or securities, dividend warrant, receipt for money or goods, proceedings in law or equity, warrant or other papers printed by any public board, &c. Appeal to the next sessions allowed against conviction within twenty days after making thereof, and giving six days notice to the party prosecuting. *s.* 4.

All pecuniary penalties, whether recovered before

justices or by action, shall go half to the informer and half to the King. *s.* 36.

[The act *52 Geo. III. c.* 162, authorizing justices to search for and seize concealed arms, expired on the 25th of March, 1813, and has not been revived.]

Conviction of an unlawful Combination and Confederacy.

—— to wit. Be it remembered that on the —— day of ——, in the 57th year of the reign of His present Majesty, George III. A. B. of —— in the said county, is duly convicted before me [or *us*] —— of His Majesty's justices of the peace for the county of ——, in pursuance of an act passed in the 39th year of the reign of King George III. intituled, "An Act for the more effectual suppression of Societies established for sedition and treasonable practices, and for better preventing treasonable and seditious practices;" for that he the said A. B. after the passing of the said act, to wit on the —— day of ——, at ——, did, contrary to the said act, become a member of [*or, as the case may be, act as a member of,* or *maintain correspondence or intercourse with,* or, *by contribution of money or otherwise abet or support*] a society [*describe the society*], which society is an unlawful combination and confederacy, within the intent and meaning of the said act; wherefore I [or *we*] the said justice do adjudge, that he the said A. B. do pay [or, *be imprisoned*] as a penalty for his offence, in pursuance of the said act.

Given under my [or *our*] hand and seal the —— day of ——, 1817.

J. C.

Adjudication of a Forfeiture of Ale-House License.

—— to wit. Be it remembered that on this —— day of ——, in the 57th year of the reign of His present Majesty, A. B. being a person licensed to sell ale, is duly convicted before us, two of His Majesty's justices of the peace for the county of ——, in pursuance of an act of the 39th year of the reign &c. [*set forth the title of the act*], for that he the said

A. B. on the —— day of ——, at ——, did permit a meeting of a society [*describe the society*], which is an unlawful combination and confederacy, within the intent and meaning of the said act, to be held at ——, being the house of the said A. B. wherein the said A. B. is licensed to sell ale [*or as the case may be*]; wherefore we the said justices do adjudge and declare that the license is for such offence forfeited.

Given under our hands and seals, the —— day of ——, 1817.

J. C.
S. P.

Commitment, on 37 Geo. III. c. 123, *for taking unlawful Oaths.*

To the Keeper of ——.

Receive &c. charged with feloniously taking a certain oath or engagement, purporting and intending to bind the said A. B. not to reveal or discover a certain unlawful combination and confederacy made between the said A. B. and divers other evil disposed persons, (he the said A. B. not being compelled to take the said oath or engagement,) against the statute, &c.

SERVANTS.

By 5 *Eliz. c.* 4, *s.* 4, all unmarried persons, and married under certain ages, are compellable by two justices to go to service to certain trades, &c. under certain qualifications; but this part of the act is now become obsolete by general usage, though not repealed.

No person who shall retain any servant shall put away his said servant before the end of his term, unless for reasonable cause to be allowed by one justice, or who shall put him away before the end of his term without a quarter's warning, under a penalty of 40s. *s.* 5, 6, 8. and if any servant retained

according to this statute shall depart his service before the end of his term, unless for reasonable cause as aforesaid, or at the end of his term without a quarter's warning, he shall on conviction before two justices be committed to ward until he shall be bound to serve and continue for the wages that shall be then limited. *s.* 9. Half the penalties to the King and half to the person who shall sue; they may notwithstanding part by consent, or make a special bargain; but by 53 *Geo. III. c.* 30, the fixing the rate of wages by justices is repealed. If a woman servant marry, yet her husband cannot take her out of her master's service during her term. *Dalt. c.* 58. and she must serve out her time. *Fitz. N. B.* 168.

If a person retain a servant generally, the law construes it to be for a year. 2 *Inst.* 42. If a servant be under age, his agreement to his disadvantage shall not prejudice him. *Dalt. c.* 58. but if to his benefit, it is good. If a servant retained for a year happen to fall sick or to be hurt during his service, the master must not put him away on that account nor abate his wages. *Ibid.*

By 32 *Geo. III. c.* 56, any person personating a master or mistress, or his or her executor, administrator, wife, relation, housekeeper, steward, agent or servant, and either personally or in writing giving a false character to a servant, or asserting that a servant has been hired for a period of time, or in

a station, or was discharged at any other time, or had not been hired in any previous service, contrary to the fact; or any person offering him or herself as a servant, pretending to have served where he or she has not served, or with a false certificate, or who shall alter any certificate, or who having been before in service, shall pretend not to have been in service, shall on conviction by two justices, forfeit £20 half to the informer, and half to the parish; and the informer is declared a competent witness. *s.* 1, 7. but appeal allowed to the quarter sessions, and proceedings not removable by *certiorari*. *s.* 10. and if the penalty, together with 10*s.* costs are not paid, and no notice of appeal given, the party may be committed to the house of correction for not exceeding three nor less than one month, or until the sum so forfeited and costs are paid. *s.* 6.

A master is not bound to give a servant a character, but if he does, it must be a true one. Carrol *v.* Bird, 3 *Esp. R.* 201. and if a bad character is given, no action will lie for defamation, unless it is proved *false* as well as *malicious*. *Bull. N. P.* 8. even though specific fraud is alleged. 1 *T. R.* 110.

A menial servant may be retained or discharged by parole and without writing. *Dalt.* c. 59. and though a servant may hire himself for any specific time, yet if no time is limited, it shall be construed a hiring for a year. *Co. Lit.* 42.

By 20 *Geo. II. c.* 19, it is enacted, "that all disputes between masters and mistresses and servants in husbandry, hired for *one year* or longer," (and by 31 *Geo. II. c.* 14, for a less time than a year,) "or between masters and mistresses, and artificers, handicraftsmen, miners, colliers, keelmen, pitmen, &c. and other labourers employed for any certain time, *or in any other manner*," shall be heard and determined by one justice, although no rate of wages has been made for that year; which justice may examine on oath such servant, or any other person, and make such order for payment as shall be just, provided the sum in dispute does not exceed £10. with regard to any servant; nor £5. with regard to any artificer, &c. and in case of refusal or non-payment for twenty-one days after determination, the justice may issue a warrant and levy the same by distress. *s.* 1. but appeal allowed to the sessions, and no *certiorari* will lie to remove the proceedings. *s.* 5, 6. one justice may also hear and determine any complaint for misbehaviour by such servant, and may punish the offender by commitment to the house of correction to hard labour for any time not exceeding one calendar month; or by abating his wages, or discharging such servant. *s.* 2. and in like manner justice, on complaint on oath by such servant of ill treatment, may summon the master, &c. and shall examine the matter, whether the master appear or not, (proof being made

of the service of the summons;) and may discharge such servant, which discharge shall be given under the hand and seal of the justice. Appeal allowed to the sessions, whose determination shall be final: *s.* 2.

By 6 *Geo. III. c.* 25, if any artificer, calico printer, &c. labourer, or other person, shall contract to serve for a particular time, and shall absent himself from his service before its expiration, or be guilty of any other misdemeanor, any justice where such offender shall be found, on complaint on oath by his master or by his steward or agent, may issue his warrant and examine the complaint; and on conviction, the justice may commit to the house of correction for not exceeding three months nor less than one month. *s.* 4. Appeal allowed (except against an order of commitment) to the next sessions, giving six days notice, and entering into recognizance within three days after such notice, to try such appeal, and the judgment of the sessions to be final. *s.* 5. A master may discharge his servant without application to a justice, for moral depravity, as a maid servant for being with child. *Cald. ca.* 11.—Insanity is not a ground of discharge without the intervention of a magistrate. 6 *T. R.* 587.

The operation of the act 20 *Geo. II. c.* 19, extends to labourers generally, as well as those enumerated in the statute, 8 *E. R.* 113. There are several acts

respecting the hiring and service, and regulations in particular manufactures, to which acts it is advisable to refer in cases coming within their operation; but as they do not affect the law relating to servants generally, it is not thought necessary to abstract them. The acts are as follow:

Respecting silk masters and their workmen. 13 and 14 *Car. II.* c. 15.—20 *Car. II.* c. 6.—8 and 9 *Wm.* c. 36.—13 *Geo. III.* c. 68.—32 *Geo. III.* c. 44.—51 *Geo. III.* c. 7.

Clothiers and their workmen. 4 *Ed. IV.* c. 1.—7 *J.* c. 7.—10 *Ann.* c. 16.—1 *Geo.* st. 2, c. 15.—13 *Geo.* c. 23.—29 *Geo. II.* c. 33.—30 *Geo. II.* c. 12.—14 *Geo. III.* c. 25.

Woollen, linen, fustian, cotton, and iron manufactures. 1 *Ann.* st. 2, c. 18.—13 *Geo. II.* c. 8.—14 *Geo. III.* c. 44.

Leathern manufactures. 13 *Geo. II.* c. 8.

Hat, woollen, linen, fustian, cotton, iron, leather, fur, hemp, flax, mohair or silk manufactures. 12 *Geo.* c. 34—22 *Geo. II.* c. 27.—15 *Geo. III.* c. 14.—17 *Geo. III.* c. 56.

Cotton manufactures. 39 and 40 *Geo. III.* c. 90.—44 *Geo. III.* c. 87.

Blond and thread-lace manufactory. 19 *Geo. III.* c. 49.

Clocks and watches. 27 *Geo. II.* c. 7.

Paper-makers. 36 *Geo. III.* c. 111.

Masters and servants in husbandry, artificers, handicraftsmen, miners, colliers, keelmen, pitmen,

glassmen, potters and other labourers, 20 *Geo. II. c.* 19, and 6 *Geo. III. c.* 25.

Ship-masters and their seamen. 2 *Geo. II. c.* 36.—31 *Geo. III. c,* 39.

Tailors and their workmen, within the bills of mortality. 7 *Geo. st.* 1, *c.* 13.—8 *Geo. III. c.* 17.

Shoemakers, within the bills. 9 *Geo. c.* 27.

Combination amongst workmen. 39 and 40 *Geo. III. c.* 16; and see title "*Combination.*"

Complaint of a Servant for Wages, on 20 Geo. II. c. 19, and 31 Geo. II. c. 11.

To the Constable of ——.

—— to wit. The information and complaint of A. B. late of —— in the county aforesaid, husbandman, exhibited before me S. P. Esq. one of His Majesty's justices of the peace for the said county, the —— day of ——, in the year of our Lord 1817, who on his oath saith, that at Easter last he was hired by his master C. D. of —— aforesaid in the county aforesaid, to be his servant in husbandry for the term of one year [*or as the case is*], for the wages of ——; that he the said A. B. hath duly performed the said service, and that he the said C. D. hath refused to pay to him the said A. B. the wages justly due unto him for the said service; and thereupon he the said A. B. prayeth that justice may be done, and that the said C. D. may be summoned before me the justice aforesaid, to answer unto the said complaint.

Exhibited before me,

S. P.

Summons to the Master.

To the Constable of ——.

—— to wit. Whereas information and complaint hath been made unto me S. P. Esq. one of His Majesty's justices of the peace in and for the said county, upon the oath of A. B. late of —— in the county aforesaid, husbandman, that at Easter last he the said A. B. was hired by C. D. of —— in the said county, to be his servant in husbandry for the term of one year, for the wages of ——, and that he the said A. B. hath duly performed the said service, and that the said C. D. doth refuse to pay him the said A. B. the wages justly due to him for the said service: These are therefore to command you forthwith to summon the said C. D. to appear before me at ——, on the —— day of ——, at the hour of —— in the ——noon of the same day, to shew cause why the said wages should not be paid; and be you then there to certify what you shall have done in the premises.

Given under my hand and seal, the —— day of ——, 1817.

S. P.

Order for Payment of Wages.

—— to wit. Whereas information and complaint hath been made unto me S. P. Esq. one of His Majesty's justices of the peace in and for the said county, upon the oath of A. B. of —— in the said county, husbandman, that he was duly hired by C. D. of —— in the said county, farmer, to be his servant in husbandry for the term of one year, to wit from Easter in the year 1816, to Easter now last past, for the wages of ——; and that he hath duly performed the said service; yet nevertheless that the said C. D. did refuse to pay him the wages justly due for such service aforesaid. And whereas the said C. D. having appeared before me in pursuance of my summons for that purpose, hath not proved to me that the said wages have been paid to the said A. B. nor hath shewed to me any just cause why the said wages should not be paid, [*or*, and whereas it appears to me, upon the oath of E. F. constable of ——, that he the said E. F. by virtue of my precept to him

directed, did duly summon the said C. D. to appear before me at a certain day and time therein stated, to shew cause why the said wages should not be paid, and the said C. D. hath neglected to appear in pursuance of the said summons, and hath not shewed any cause as aforesaid.] I therefore having duly examined into the truth and matter of the said complaint, and upon due consideration had thereof, do hereby adjudge, determine and order that the said C. D. upon due notice hereof, do pay or cause to be paid to him the said A. B. as and for his wages as aforesaid, the sum of £—— which appears to me to be just and reasonable.

Given under my hand and seal, this —— day of ——, in the year of our Lord 1817.

S. P.

Warrant of Distress for Wages.

To the Constable of ——.

—— to wit. Whereas A. B. of —— in the said county, husbandman, hath duly complained unto me S. P. Esq. one of His Majesty's justices of the peace for the said county, that C. D. of —— in the said county, farmer, hath refused to pay unto him the wages justly due unto him for service in husbandry, truly and faithfully performed by him the said A. B. to him the said C. D. And whereas the said C. D. having appeared before me in pursuance of my summons for that purpose, hath not proved to me that the said wages have been paid to him the said A. B. and hath not shewn any just cause why the same should not be paid [or *as in the order for payment.*] I therefore the said justice, upon due consideration had thereof, on the —— day of —— now last past, by writing under my hand and seal, did thereupon determine and order that he the said C. D. should pay to him the said A. B. the sum of £——. which appeared to me to be just and reasonable to be paid by him the said C. D. to him the said A. B. as and for his wages as aforesaid. And whereas it duly appears to me that the said C. D. on the —— day of —— now last past, had due notice of my said order, and that due demand of the said sum of £—— was then made of him the said C. D. by the said A. B. but that he the said C. D. did not then pay nor hath yet paid the same nor any part thereof. These are therefore to com-

mand you to make distress of the goods and chattels of the said C. D. and if within the space of [*four*] days next after such distress by you made, the said sum of £——, together with the reasonable charges of taking and keeping the said distress shall not be paid, that then you do sell the said goods and chattels so by you distrained, and out of the money arising by the sale thereof, that you pay the said sum unto the said A. B. returning the overplus upon demand unto the said C. D. the reasonable charges of taking, keeping and selling the said distress being thereout first deducted.

Given under my hand and seal &c.

S. P.

Complaint of a Master against a Servant for Misbehaviour.

—— to wit. Be it remembered that this —— day of ——, in the year of our Lord 1817, E. F. of —— in the county aforesaid, husbandman, complaineth and maketh oath before me S. P. Esq. one of His Majesty's justices of the peace in and for the said county, that G. H. late of —— aforesaid in the county aforesaid, servant in husbandry to him the said E.F. hath in his said service [or *employment*] been guilty of divers misdemeanors, miscarriages and ill behaviour towards the said E. F. and particularly [*set forth the complaint*] and thereupon the said E. F. prayeth that justice may be done.

E. F.

Exhibited before me,

S. P.

Warrant to the Servant thereon.

To the Constable of ——.

—— to wit. Whereas information and complaint hath been made unto me S. P. Esq. one of His Majesty's justices of the peace in and for the said county, upon the oath of E. F. of —— in the said county, husbandman, that G. H. of —— aforesaid, artificer [*labourer*, or *as the fact is*], hath in his said service [or *employ*] been guilty of divers misdemeanors, miscarriages and ill behaviour towards the said E. F. and parti-

cularly [*describe the fact.*] These are therefore to command you forthwith to bring the said G. H. before me, to answer unto the said complaint, and to be further dealt with according to law.

Given under my hand and seal &c.

S. P.

Commitment thereon.

To the Constable of —— in the county of ——, and to the Keeper of the House of Correction at —— in the said county.

—— to wit. Whereas information and complaint hath been made unto me S. P. Esq. one of His Majesty's justices of the peace in and for the said county, upon the oath of E. F. [*as in the warrant.*] And whereas in pursuance of the statute in that case made and provided, I have duly examined the proofs and allegations of both the said parties touching the matter of the said complaint, and upon due consideration had thereof have adjudged and determined, and do hereby adjudge and determine the said complaint to be true, and that the said G. H. hath in his service been guilty of divers misdemeanors, miscarriages and ill behaviour towards him the said E. F. and particularly [*set forth the particular offence*], and I do therefore convict him of the said offence in pursuance of the statute in that case made and provided. These are therefore to command you the said constable forthwith to convey the said G. H. to the said house of correction at —— aforesaid, and to deliver him to the keeper thereof, together with this warrant. And I do hereby command you the said keeper to receive the said G. H. into your custody in the said house of correction, there to remain and be corrected and held to hard labour for the space of [*the time as the case may be*] from the date hereof. And for so doing this shall be your sufficient warrant.

Given under my hand and seal &c.

S. P.

(If the punishment be an abatement of Wages, say)

I do therefore hereby order as a punishment for the said offence, that the said G. H. shall abate from his wages to be

paid to him by the said E. F. the sum of ——, and do hereby discharge the said E. F. from the payment of the said sum of —— as part of the wages of him the said G. H.

Given under my hand and seal, &c.

(Or he may be discharged, then say)

I do therefore order as a punishment for the said offence, that the said G. H. be discharged, and do hereby discharge him the said G. H. from his said service, and the said E. F. from keeping him the said G. H.

Given &c.

Complaint of a Servant against the Master for ill usage.

—— to wit. Be it remembered that this —— day of ——, in the year 1817, A. B. of —— in the county aforesaid, husbandman [*labourer &c.*] complaineth and maketh oath before me S. P. Esq. one of His Majesty's justices of the peace in and for the said county, that at Michaelmas last he the said A. B. was hired by C. D. of —— in the county aforesaid, husbandman, to be servant in husbandry to him the said C. D. for the space of [*as the case shall be*] and that he the said A. B. did accordingly at Michaelmas last as aforesaid, enter upon and afterwards until this present time hath continued and doth continue in the said service [*or employment*]; and that he the said C. D. during the said service hath misused him the said A. B. and particularly [*here set forth the special offences.*] And thereupon the said A. B. prayeth that justice may be done in the premises.

Exhibited before me,

S. P.

Summons to the Master thereon.

To the Constable of ——.

—— to wit. Whereas complaint hath been made unto me S. P. Esq. one of His Majesty's justices of the peace in and for the said county, upon the oath of A. B. of —— in the said county, husbandman, [*labourer &c.*] that he was duly hired by C. D. of —— in the county aforesaid, farmer, at Michaelmas last, to him the said C. D. to be a servant in husbandry for the term of one year, to commence from Michaelmas now last past; that he did accordingly at the time aforesaid enter upon and

afterwards until this present time hath continued and doth continue in the said service [or *employment*], but that the said C. D. during the said service hath misused him the said A. B. and particularly [*by refusing him necessary provisions, or having been guilty of cruelty or other ill treatment, stating the particulars*]. These are therefore to require you in His said Majesty's name, to summon the said C. D. by shewing unto him this precept or leaving a true copy thereof at his usual place of abode, to appear before me on the —— day of ——, at —— in the said county, at the hour of —— in the —— noon of the same day, to answer unto the said complaint. And be you then there with this precept to certify what you shall have done in the execution thereof.

Given under my hand and seal, the —— day of ——, 1817.
S. P.

Discharge of the Servant thereon.

(The same as before to the end of the Complaint.)

And whereas the said C. D. in pursuance of my summons for that purpose hath appeared before me to answer unto the said complaint, but hath not proved that he is not guilty of the said complaint and charge; but on the contrary it hath been fully and duly proved before me, that he the said C. D. hath misused him the said A. B. in his service as aforesaid, and particularly [*here set forth the special offence or offences.*]

Or, And whereas it appears to me upon the oath of E. F. constable of —— aforesaid, that he the said E. F. by virtue of my precept to him directed, did duly summon him the said C. D. to appear before me at a reasonable time therein prefixed to answer unto the said complaint, and he the said C. D. hath neglected to appear according to the said summons; And whereas it hath been fully and duly proved before me, that he the said C. D. hath misused him the said A. B. in his service as aforesaid, and particularly [*here set forth the particular offence or offences*]: I do therefore hereby order, in pursuance of the statute in that case made and provided, that the said A. B. be discharged, and do hereby discharge him the said A. B. from his said service [*or employment*].

Given under my hand and seal, the —— day of ——, 1817.
S. P.

Complaint, on 6 Geo. III. c. 25, *against a Person absenting himself from his Master's Service before his Contract is completed, or other Misdemeanor.*

To the Constable of —— in the county of ——, and to the Keeper of the House of Correction at —— in the said county.

—— to wit. Whereas information and complaint hath been made unto me S. P. Esq. one of His Majesty's justices &c. upon the oath of A. B. of —— in the said county, husbandman, [or *as the fact is*], that C. D. late of —— aforesaid, servant in husbandry to him the said A. B. hath in his said service been guilty of divers misdemeanors towards him the said A. B. and particularly [*state the special cause,* or *hath absented himself from his said service of the said A. B. before the time of his contract with the said A. B. was completed*], and therefore he the said A. B. prayeth that justice may be done.

A. B.

Taken before me,
S. P.

[The warrant, commitment, order for abatement of wages and discharge of the servant, may be in the same forms as p. 754, 5 and 6.]

SESSIONS.

The sessions of the peace are distinguished as general and quarter sessions; the latter are those which are held quarterly, and the former are held at any other time for the general execution of the justices' authority. Those sessions which are convened for a particular purpose, are called special

sessions. The meeting of justices acting in a particular division or district, without being formally or specially convened, is denominated a petty sessions. The sessions have cognizance of all offences tending to a breach of the peace, except forgery and perjury. 2 *E. R.* 18.

In all cases where two justices may do an act, the sessions may do the same, except where an appeal is directed to the sessions. 1 *Ld. Ray.* 426. but the sessions cannot suppress an ale-house license, except for disorderly conduct. 2 *Salk.* 470.

Justices may issue warrants for the apprehension of persons charged with crimes cognizable by the sessions, and bind the parties to appear there. 1 *H. H.* 579. The sessions are not compellable to give any reason for the orders they make. 2 *Salk.* 607. and orders made at the sessions may be altered at the same sessions. *Ibid.* 606. If upon any question or order, the justices are equally divided, the same shall be adjourned till the next sessions. 1 *Str.* 383-4. The sessions cannot be compelled to state a special case. 2 *Bott.* 73, *pl.* 887. and the Court will not send a case to be re-stated upon a mere informality. 1 *T. R.* 41. The sessions may be compelled by *mandamus* to allow costs on an appeal. 2 *Sess. Ca.* 64. but the session cannot order costs on the mere adjournment of an appeal, without hearing it, and they must give costs or refuse them at the time of making their order. 2 *Bott.* 756, *pl.* 913. The sessions cannot award an attachment

for disobedience of their orders, but the party must be indicted; nor can they commit for non-payment of fees, the only remedies are *indebitatus assumpsit* if the fees are fixed; if uncertain *quantum meruit.* 2 *Ld. Ray.* 703.

Justices are not punishable for what they do in sessions, unless for manifest corruption or wilful abuse of power. 2 *Barnard,* 249.

Condition of a Recognizance to appear and give Evidence, where the King is a party.

The condition of this recognizance is such, that if the above bound A. B. shall personally appear at the next general quarter sessions of the peace to be holden at —— in the county of ——, and then and there give such evidence as he knoweth against C. D. concerning his feloniously taking and carrying away ——, the property of E. F. and do not depart thence without leave of the said court, then this recognizance to be void.

Notice of Pleading Guilty to an Indictment at the Quarter Sessions.

The King *against* A. B.

Mr. C. D.

Take notice that I shall appear at the next general quarter sessions of the peace, to be holden at —— in and for the county of ——, at the hour of —— in the —— noon of the same day, and will then and there plead guilty to and confess the said indictment by you preferred against me for an assault. Dated the —— day of —— 1817.

A. B.

Notice of Trial of Traverse at the Quarter Sessions.

The King *v.* A. B.

Mr. C. D.

Take notice that I intend to appear at the next general quarter sessions of the peace, to be holden [*as before*], on —— the —— day of —— instant, at —— o'clock in the ——noon of the same day, and shall then and there enter and try my traverse upon the indictment you have preferred against me for assaulting you. Dated the —— day of ——, 1817.

A. B.

Notice to the Prosecutor from a Defendant, in custody for an Assault for want of Bail, of his intention to plead Not Guilty to the Indictment to be preferred, and to enter and try his Traverse the same Session.

Mr. C. D.

Take notice that if the bill of indictment you are bound by recognizance to prefer against me, for an assault on you, at the next general quarter sessions of the peace to be holden &c. shall be found a true bill, then I intend to plead Not Guilty to the same, at the same sessions, and thereupon to enter and try my traverse to the said indictment immediately at the said sessions.

Your's &c.

A. B.

SHEEP.

Persons maliciously and wilfully killing sheep in the night, are guilty of felony; but the offender may elect to be transported seven years; and three

justices may hear and determine the same. 22 and 23 *Charles II. c.* 7, *s.* 2. but by the Black Act, 9 *Geo. c.* 22, maliciously killing or maiming *any cattle*, is felony without benefit of clergy.

Persons stealing sheep or lambs, or killing with intent to steal the carcase, or assisting in committing these offences, are guilty of felony without benefit of clergy. 14 *Geo. II. c.* 6, *s.* 1.—15 *Geo. II. c.* 34. and persons apprehending offender to have £10. reward, 14 *Geo. II. c.* 6.

Any person turning out scabbed or mangy sheep on any common, waste, &c. shall on conviction, by confession or oath of one witness, before one justice, forfeit not more than £10. nor less than 20s. 38 *Geo. III. c.* 65, *s.* 1.—Sheep, and lambs three months old, to have a certain mark before turned out, under a penalty of 2s. for every time turned out without it. *s.* 2.—A justice, upon complaint of any person having right of common, may issue his warrant to the constable, to have suspected sheep examined. *s.* 3. and if not found infected, the sheep to be returned, and the justice may award reasonable costs to the owner; but if found defective, the sheep to be impounded, marked with an *S.* and the left ear cut horizontally not more than an inch, and returned to the owner, who shall pay the expenses. *s.* 4.—Destroying the marks or not restoring them when effaced, incurs a penalty of not exceeding 20s. nor less than 2s. for each sheep. *s.* 5. and if the owner do not take away

the sheep so marked within five days, a justice may, by warrant, direct a sale of them, and the money to be paid to the overseers of the poor, to be applied in aid of the poor's rate, unless the owner claims it in twelve months. *s.* 6.—The penalties in this act to be levied by distress and sale, by warrant of one justice, on conviction by confession, or on oath of one witness; but appeal allowed to the session, which shall be holden after the end of four calendar months from the time the matter of appeal arises; the decision of the session to be final. *s.* 9.

Conviction under this Act.

—— to wit. Be it remembered that on this —— day of ——, in the 57th year of the reign of His present Majesty &c. A. B. is convicted before me S. P. Esq. one of His Majesty's justices of the peace in and for the county of ——, by virtue of an act of parliament made in the 38th year of the reign of King George III. intituled "An Act for preventing the depasturing of Forests, Commons and open Fields, with Sheep or Lambs infected with the scab or mange, in that part of Great-Britain called England," [*state the offence and the time and place when committed*;] and I the said S. P. do adjudge him to forfeit and pay for the same the sum of ——.

Given under my hand and seal, the —— day of ——, 1817.

S. P.

Adjudication.

—— to wit. Upon the report of A. B. on oath this —— day of ——, in the year of our Lord 1817, made unto me S. P. Esq. one of His Majesty's justices of the peace in and for the county of ——, respecting certain sheep [*and lambs*] detained [or *impounded*] in —— in the parish of —— in the said county, by virtue of a warrant under my hand and seal, I

the said S. P. do hereby adjudge that such sheep [*and lambs*] belonging to C. D. [or *the owner being unknown*], appearing to me to be infected with the scab or mange, be marked forthwith, according to the directions of an act made in the 38th year of the reign of King George III. [*set forth the title as before.*]

Given under my hand and seal, the —— day of ——, 1817.

S. P.

SHERIFF.

A justice of the peace may direct his warrant to the sheriff, who is bound to execute it though not personally. 2 *Haw. c.* 13, *s.* 29.—He is also bound to attend the sessions of the peace, there to return his precepts, take charge of the prisoners, and receive the King's fines. 2 *Haw. c.* 8, *s.* 45. He is punishable by the justices in sessions for default in neglecting to execute their writs or precepts. 2 *Haw. c.* 22, *s.* 2. A sheriff though he cannot act as a justice of the peace, is nevertheless a conservator of the peace, and may, *ex officio*, take surety for the peace. 2 *Haw. c.* 8, *s.* 4.—He shall not execute the office of justice of the peace whilst sheriff.

SHIRE-HALL.

Justices in sessions on presentment of the grand jury, may order the shire-hall to be repaired when they think fit, the money for so doing to be levied as other county rates. 9 *Geo. III. c.* 2, *s.* 1. but

sudden repairs, not exceeding £30. may be ordered by two justices on view. *s.* 3.

By 14 *Geo. III. c.* 59, the justices in their quarter sessions may direct the shire-hall or other court of justice, to be properly ventilated at the expense of the county.

SLANDER.

This crime is not cognizable by justices of the peace, unless the words used directly tend to a breach of the peace, in which case the parties may be bound to their good behaviour. 2 *Salk.* 698.

SOLDIERS.

The regulations respecting the army are contained in the Mutiny Act, which is annual; the latest 56 *Geo. III. c.* 10, as far as justices are concerned in it, is here briefly abstracted.

Persons giving a false certificate to excuse soldiers from muster, to forfeit £50. and be cashiered. *s.* 43. and persons offering themselves to be falsely mustered, on proof by two witnesses before one justice near the place where the muster was made, may be imprisoned ten days; and persons lending a horse to be falsely mustered, to forfeit the horse to the informer, and £20. to be levied by distress; and in default commitment to prison for three

months, or public whipping, at the discretion of the justice, the whole penalty to the informer. *s.* 46.

Persons aggrieved by having soldiers improperly quartered upon them, may complain to a magistrate, who may grant redress, if necessary. *s.* 48.

Magistrates to grant or transfer licenses for selling ale, &c. to any person applying for the same, who shall hold any canteen under any lease or agreement, without regard to the time of year, or any certificates required on application for licenses. *s.* 52.

No justice holding a military office or commission to act in billeting soldiers. *s.* 54.

Dragoons quartered on persons having no stables may, on complaint to two or more justices, be removed to those who have, on paying a reasonable allowance to the person to whom such horses shall be removed. *s.* 58. and dragoons and their horses to be billeted in the same houses. *s.* 59.

Constables or other officers taking money from any person to excuse him from quartering, or who shall refuse or neglect to billet, or victualler refusing to receive or victual any officer or soldier quartered upon him, or the regular allowances required by the act, shall on conviction on oath of one witness or by confession before one or more justices, forfeit not exceeding £5. nor less than 40s. at the discretion of the justice, to be levied by distress and sale. *s.* 62. Justices may order constables to give an account of the number of soldiers

quartered, and the names of persons upon whom they are quartered, to prevent abuses in billeting. *s.* 63. Justices may at the request of any officer extend routes or enlarge quarters for billeting troops. *s.* 64. Constable quartering soldiers' wives, children or servants in any house without consent of the owner, to forfeit 20*s.* on complaint on oath to one justice, who may levy the same by distress. *s.* 69.

Any justice may summon a non-commissioned officer or private having a wife and child or children, to be examined as to their parochial settlement; and such justice to give an attested copy of affidavit to the person making the same, which copy shall be evidence as to such settlement. *s.* 70.

Justices to issue warrants to constables to procure carriages to convey troops, and to specify therein the places, &c. to which the carriages shall travel; officer forcing waggons, &c. to travel further than the place specified in the warrant, to forfeit £5. on proof on oath before two justices, to be paid by paymaster of the forces, and deducted by him out of the officer's pay; and if carriages cannot return the same day they are impressed, the justice who granted the warrant may allow further compensation. *s.* 71.

In cases of emergency, saddle horses, four-wheel carriages or vessels, may be impressed, to be paid for as justices shall direct. *s.* 75.

Constables, &c. refusing to execute justice's war-

rant, or demanding more than the usual sums, and any person refusing or neglecting to find carriages, &c. or doing any thing to frustrate the execution of the warrant, to forfeit not more than £5. nor less than 40s. to be recovered before one justice, to be levied by distress, and paid to the poor of the parish in or near the place where the offence was committed. *s.* 66.

Officers, soldiers, &c. on duty, carriages, &c. exempted from tolls on turnpike roads, bridges, &c. *s.* 83.

Justices may discharge persons hastily enlisting themselves, on paying the enlisting money, &c. *s.* 92.

Any officer destroying game to forfeit £5. and for game destroyed by any soldier under his command, 20s. *s.* 89.

Persons enlisting, wilfully concealing any infirmity, to be punished as rogues and vagabonds. *s.* 97.

Persons advertising for recruits without authority, to forfeit £20. and in default of payment to be committed to the common gaol for not exceeding three months, nor less than one month. *s.* 99.

Apprentice enlisting stating himself not to be an apprentice, to be imprisoned and kept to hard labour for two years. *s.* 100.

No master to claim his apprentice, unless within one month after he has absconded he shall make

oath of the fact before a justice, and produce a certificate of such oath. *s.* 101.

Constable may apprehend any person suspected to be a deserter, and carry him before a justice, who may on proof of the fact commit such deserter to the house of correction or other public prison, or if in London or Westminster, to the Savoy. *s.* 115. Such justice may, if deserter is unable, direct the expense of conveying him to gaol to be paid by the treasurer of the county to the constable who apprehended him in the parish and conveyed him to gaol. 3 *Mau. and Sel.* 62.

A justice may order a reward of 20s. to be paid to any person who shall apprehend a deserter; such reward to be paid by the collector of land tax. *s.* 116.

Officers to forfeit £20. for breaking open any house without a justice's warrant under pretence of searching for deserters. *s.* 118.

A justice of the peace may grant an extension of furlough to any non-commissoned officer or soldier on account of sickness; such furlough not to be extended beyond a month, unless with the consent of the general officer commanding the district where such soldier shall be. *s.* 119. Justice granting such extension may order parish officers to advance the pay to such soldiers, which is to be reimbursed to them by the collectors of excise. *s.* 120.

Persons knowingly concealing or harbouring deserters to forfeit £20. on conviction by the oath

of one or more witness or witnesses before one justice, to be levied by distress, one moiety of the penalty to the informer, and the other to the agent of the regiment; if no distress, and penalty not paid within four days after conviction, the offender to be committed to the common gaol for six months; and if any person shall knowingly detain, buy, exchange or receive from any soldier or deserter any arms, cloaths, furniture, &c. such person to forfeit £5. or if any person shall buy oats, hay or forage from any dragoon, or induce him to sell the same, the person so offending shall forfeit £5. to be recovered and applied as above; and if no distress, the offender to be imprisoned for three months, or be publicly or privately whipped at the discretion of the justice. *s.* 149.

By 52 *Geo. III. c.* 31, the act of 39 *Eliz. c.* 17, intituled "An Act against lewd and wandering Persons pretending to be Soldiers and Mariners," is repealed.

The act 56 *Geo. III. c.* 32, fixes the rates of subsistence to be paid to innkeepers for quartering soldiers.

Order for Payment of 20s. for apprehending a Deserter.

To the Collectors of the Land Tax for the parish of —— in the county of ——.

—— to wit. Whereas A. B. a private [*if so*] in His Majesty's —— regiment of —— was this day apprehended in the said parish, and brought before me S. P. Esq. one of His

Majesty's justices of the peace in and for the county of ——, by C. D. for deserting from the said regiment, and was by me committed for the said offence to the common gaol of the said county, whereupon the said C. D. is intitled, in pursuance of the act of parliament in that case made and provided, to the sum of 20s. to be paid by the collectors of land tax of the place where the said deserter was apprehended, which is to be allowed them by the Receiver General of land tax. And whereas I have received authority from His Majesty's Secretary at War to order the payment of the said sum of 20s. These are therefore in His Majesty's name, in pursuance of the said act and by the authority aforesaid, to require you on receipt hereof to pay unto the said C. D. the sum of 20s. for apprehending the aforesaid deserter; and for your so doing this shall be your sufficient warrant.

Given under my hand and seal, the —— day of ——, 1817.

S. P.

Received of Mr. L. M. one of the Collectors of the Land Tax of the parish of —— in the said county, the above-mentioned sum of 20s. by me,

C. D.

Justice's Precept to Constable to provide Carriages, &c.

To A. B. Constable of ——.

—— to wit. By virtue of an order from the War Office, signed ——, this day brought and shewn unto me S. P. Esq. one of His Majesty's justices of the peace for the said county, by M. N. lieutenant in Captain O—'s company of His Majesty's —— regiment of foot, commanded by ——, you are hereby required to provide and furnish sufficient carriages, with able horses and proper men to drive the same, within your constablewick, whereby to remove the arms, clothes and accoutrements [or, *the officers, soldiers, servants, women and children, as the case is*] of the said company on their march from —— to —— in the said county; and with them you are to appear at —— aforesaid to-morrow, precisely at —— of the clock in the morning. Herein fail you not, as you will answer the contrary at your peril.

Given under my hand and seal, at ——, the —— day of ——, 1817.

S. P.

Extension of a Furlough.

—— to wit. Forasmuch as A. B. a private in His Majesty's —— regiment of foot, now absent from his said regiment on furlough, hath this day made oath before me one of His Majesty's justices of the peace in and for the said county of ——, that he is unable to travel on account of sickness [or, *has produced a certificate from C. D. surgeon, stating that he is unable to travel by reason of sickness*], and hath for that reason applied to me to extend his said furlough for three weeks from the date hereof. Now I, the said justice, finding it necessary from the facts so stated and proved to extend the said furlough, do hereby extend the same for the space of three weeks from the date hereof, pursuant to the statute in that case made and provided.

Given under my hand and seal, this —— day of ——, 1817.

S. P.

Justice's Order on Parish Officers to advance Soldier's Pay on his Furlough being extended.

To the Churchwardens [or *Overseers*] of the parish or township of ——.

You are hereby required to pay to A. B. [*describe whether non-commissioned officer &c.*] within named, on furlough from the —— day of —— to the —— day of ——, signed by [*the commanding officer signing the furlough*], the sum of ——, out of any money now in your hands, or out of the first money that shall come to your hands in respect of the rates for the relief of the poor, being at the rate of —— per day. For so doing and for your re-payment under the Mutiny Act, this shall be your sufficient warrant.

Witness my hand the —— day of ——, 1817.

S. P. justice of the peace for ——.

Master's Oath to claim Apprentice, having inlisted for a Soldier.

See Form, page 59.

Justice's Certificate thereof.

—— to wit. I, S. P. Esq. one of His Majesty's justices of the peace for the county of ——, do hereby certify that A. B. of ——, came before me at ——, the —— day of ——, 1817, and made oath that he was by trade a ——, and that C. D. was bound to serve as an apprentice to him in the said trade, by indenture dated the —— day of ——, for the term of —— years, and that the said apprentice did on or about the —— day of —— abscond and quit the service of him the said A. B. without his consent, and that to the best of his knowledge and belief the said apprentice is aged about —— years.

STAMPS.

The act of 19 *Ann*, *c.* 19, *s.* 172, gives authority to justices to hear and determine upon any penalties incurred, not exceeding £20. relative to the stamp duties; but the statute 44 *Geo. III. c.* 98, *s.* 10, requires all informations to be instituted by the Attorney-General, consequently they are brought in the Exchequer.—The last act regulating the stamp duties is 55 *Geo. III. c.* 184.

STOCKS.

Stocks are to be provided at the expense of the town, and every vill is bound to provide a pair. 2 *Haw. c.* 11, *s.* 5.—A constable may confine offenders in the stocks by way of security, but not as punishment. Confinement in the stocks is by divers statutes the punishment inflicted for various offences.

STOCKING AND LACE FRAMES.

The act 28 *Geo. III. c.* 55, was by 52 *Geo. III. c.* 16, amended and its penal operation extended. Any person or persons who should by day or night enter into any house, shop, &c. to wilfully and maliciously cut or destroy frame work, knitted pieces, stockings or lace; or to break or destroy any frame or any tool or instrument used therein, are declared guilty of felony without benefit of clergy. *s.* 1.—Persons in whose house or custody any frames or engines are destroyed, shall give information thereof to the owner, and also go before a justice of the peace, and depose to the facts; and on refusal or neglect, shall be guilty of a misdemeanor. *s.* 3.

But by 54 *Geo. III. c.* 42, persons so offending are adjudged guilty of felony, and shall be transported for life or for a term of not less than seven years, at the discretion of the judge. *s.* 12.

STORES.

By statute 31 *Eliz. c.* 4, and 22 *Car. II. c.* 5, persons embezzling His Majesty's naval or military stores of 20s. value, to be adjudged guilty of felony without benefit of clergy; and by 9 *Geo. III. c.* 30, *s.* 5, the treasurer, comptroller, surveyor or any other commissioner of the navy, may act as justices, and cause the offender to be apprehended and prosecuted.

By 39 and 40 *Geo. III. c.* 89, any person (except contractors) receiving or having in their possession stores of war, shall be a receiver of stolen goods. *s.* 1. See "*Cordage for Shipping.*"

By 49 *Geo. III. c.* 122, *s.* 17, all persons who shall trade in anchors, cables, sails, old junk, old iron or marine stores of any kind, shall have their names painted distinctly, with the words "*Dealer in Marine Stores,*" in letters six inches at least in length over the front of their warehouse, &c. on pain of forfeiting on conviction by one justice, on the oath of one witness, or by confession, not exceeding £20. nor less than £10. half to the informer and half to the poor where offence is committed; and such dealers not to cut up any cable exceeding five fathoms in length, or untwine the same, without a permit from some neighbouring justice, which permit shall not be granted unless oath made that it had been *bona fide* purchased, on pain of forfeiting for the first offence not more than £20. nor less than £10. for the second or further offence not more than £50. nor less than £20. to be recovered before a justice, half to the informer and half to the poor.

All dealers to keep a book, in which they shall regularly enter all old marine stores bought by them from time to time, with an account when bought, and of the names and abodes of the sellers; and before any person obtaining such permit shall

cut up the same, there shall be published, one week at least before, an advertisement in some public newspaper printed nearest to the storehouse, &c. notifying that such party had obtained such permit for cutting up such cable of such kind and quality, and specifying where the articles are deposited; whereupon all persons who may have just cause to suspect that such articles are the property of such person, and shall have verified such suspicion on oath before some justice near the said storehouse, may by warrant thereupon granted, require of such dealer the production and examination of such book of entries, and inspection of the cables described in the permit; and in case such dealer should neglect or refuse to produce to such person such book, or to keep such book, or to permit such inspection or examination, or neglect so to publish one such advertisement as aforesaid, he shall on conviction before any justice or magistrate residing near as aforesaid, forfeit for the first offence not more than £20. nor less than £10. and for every further offence not exceeding £50. nor less than £20. one half to go to the informer and half to the poor where the offence shall be committed; and if the said penalties with the charges of conviction be not immediately paid, they may be levied by warrant of distress and sale, and if there be no sufficient distress found, the offender may be committed by such justice to gaol, for the first offence for six calendar months, and for the second or further

offence for twelve calendar months, unless the penalty and charges shall be sooner paid. *s.* 18.

Any person convicted by any justice or justices of any offence or offences against this act may within three calendar months next after such conviction appeal to the sessions holden for the county, city or place where the matter of appeal shall arise, giving ten days notice of such appeal to the person appealed against and of the matter thereof, and entering into recognizance before some justice, with two sufficient sureties to try such appeal and abide the determination of the court therein; and such justices at the sessions shall upon due proof of such notice given and recognizance entered into hear and determine the appeal, and either confirm or quash and annul the said conviction, and award such costs to either party as to them shall seem just and reasonable, and such judgment shall be final and conclusive: no proceeding shall be quashed for want of form, and no *certiorari* shall be granted. *s.* 21. Inhabitants of the parish may be witnesses to prove the offence committed, though the penalty incurred be applicable to the poor of the parish. *s.* 22.

By 55 *Geo. III. c.* 127, it is enacted that from the passing of this act, the acts of 9 and 10 *W. c.* 41. —9 *Geo. I. c.* 8.—17 *Geo. II.*—40 *Geo. III.* and all the penalties, forfeitures, clauses and provisions, matters and things therein contained as far as relates to naval, ordnance and victualling stores,

shall extend to all public stores whatsoever, having thereon or therein the marks usually employed to denote the public stores, under the care, superintendance or control of any officer or person in His Majesty's service, or employed in any public department or office; and to all persons not authorized by the proper officer using any such marks in the said acts specified; and to all persons in whose custody, possession or keeping any such goods or stores so marked shall be found, and to all persons who shall deface or obliterate any of the said marks. *s.* 2.

SUMMONS.

A summons is the usual process issued by justices to procure the attendance of a person accused, where the offence is between party and party, and not of an aggravated nature; but where the offence is of a higher nature, as felony, breach of the peace, &c. and in cases where the King is a party, it is proper to issue a warrant in the first instance. In petty assaults, though justices are authorized to issue a warrant on complaint, on oath of the party, yet a summons is more adviseable, as in many cases it is found that there is little or no pretence for the accusation. A summons may either be directed to the party, or to a constable, requiring him to summon or give notice to the party; but it is better in either case that a copy of the summons should be

served upon or left at the place of residence of the accused; it is not only convenient, but seems expedient that the justice should fix the time of the day when the party should attend; for though the accused is bound (if the summons is to attend a petty sessions,) to wait until the magistrates can attend to the complaint, yet it is reasonable to appoint a time when the complaint can probably be heard. In general a summons may be granted without the oath of the complaining party, but in some cases the oath is indispensible, as in complaints between masters and servants, &c. and in all cases where so directed by statute, and if the complaint is on oath, it should be so stated in the summons.

Summons directed to the Constable, with his Return.

To the Constable of the parish of —— in the county of ——.

—— to wit. You are hereby required, on sight hereof, to summon and warn A. B. of your said parish, personally to be and appear before me S. P. Esq. or such other of His Majesty's justices of the peace for the said county of ——, as shall be present at —— in the said county, on —— the —— day of ——, at —— o'clock in the ——noon, then and there to answer to the complaint and information of C. D. [*state the complaint.*] And you the said constable are then and there to appear and make your return of your due execution hereof. Herein fail not at your peril.

Given under my hand and seal, this —— day of ——, in the year of our Lord 1817.

S. P.

Constable's Return.

The within named A. B. was duly summoned to appear and answer as he is within required, on ——, the —— day of ——, by me,

E. F. Constable.

Summons when Complaint is on Oath.

To the Constable of the parish of —— in the county of ——.

—— to wit. Whereas complaint and information have been made upon oath before me S. P. Esq. one of His Majesty's justices of the peace for the said county, by C. D. of ——, that A. B. [*state the complaint*]. These are therefore to command you forthwith to summon the said A. B. to appear before me or such other of His Majesty's justices of the peace for the said county, as shall be present at —— in the said county, on —— the —— day of ——, at —— o'clock in the ——noon, then and there to answer to the said complaint and information, made by the said C. D. who is likewise directed to be present to make good the same. Herein fail not.

Given under my hand and seal, this —— day of ——, in the year of our Lord 1817.

S. P.

Summons for a Witness to be examined.

To the Constable of ——.

—— to wit. Whereas information hath been made before me S. P. Esq. one of His Majesty's justices of the peace in and for the said county, that [*state the complaint,*] and that A. B. of &c. is a material witness to be examined concerning the same. These are therefore to require you to summon the said A. B. to appear before me, at —— in the said county, on —— the —— day of ——, at the hour of —— in the —— noon of the same day, to testify the truth according to the best of his knowledge concerning the premises.

Given under my hand and seal, this —— day of ——, 1817.

S. P.

SURETY FOR THE PEACE.

Every justice of the peace may take surety for the peace; any person may demand surety for the peace, who has reasonable ground to fear receiving corporal hurt from another. 1 *Haw. c.* 60, *s.* 6. but if demanded from mere malice, the justice may refuse it.—A husband may demand surety against any one who threatens his wife or child, but not his servants or cattle. *Dalt. c.* 116.—It cannot be granted for an assault, battery or breach of the peace actually committed, the remedy for which is by indictment; but only in consequence of present or future danger of personal violence. *Dalt. c.* 11. A wife may demand it against her husband, and a husband against his wife. 1 *Haw. c.* 60. and in articles of the peace exhibited by the wife against the husband, the court will not permit, on the part of the husband, exculpatory affidavits to be read to contradict the truth of the articles and prevent security being given. 13 *E. R.* 174. it also may be demanded by an infant under fourteen years of age. It may be granted against any person under the degree of nobility, and whether a minor or not; but *infants* and *femmes couvertes* should find other than their own security. *s.* 3.—If a person is bound in the presence of a justice to find sureties, and he refuses, he may be committed; but if absent, a

warrant is necessary, which warrant must be under seal, stating the complaint and at whose instance it is granted; it may be made to bring the party before the justice granting it, or any other justice; and it seems that it may be directed to an indifferent person. 1 *Haw. c.* 60, *s.* 9.—5 *Co.* 59.

If any person suspects a warrant for the peace is issued, he may find sureties before any justice of the county, who will grant a *supersedeas. s.* 14.—A warrant for the peace must be executed by the person only to whom it is directed, who is authorized to break open any door on being refused admittance, and stating the cause of his coming. 2 *Haw. c.* 14, *s.* 2.

If the warrant is special, the party must be carried before the justice granting it, and no other; but if general, the offender may be taken before any justice, and the officer may take him to prison on refusing to give sureties before such justice. 1 *Haw. c.* 60, *s.* 13.—If the accused on being apprehended refuse to obey the warrant, or to find sureties, the officer may, without further warrant, convey him to gaol; but the warrant should so direct, otherwise it is prudent to bring him before the justice, by whom, on refusal to find sureties, he may be committed without further warrant. 2 *H. H.* 112.—*Dalt. c.* 118.

An officer not doing his duty may be indicted and fined at the sessions. *Dalt. c.* 118.—If the sureties are insufficient, the justice may compel the party to find better. *c.* 116, 119. but if the sureties should

die, the principal is not compellable to find others, their executors or administrators being liable. It is better for justices to bind over the parties to keep the peace a reasonable time to be stipulated in the recognizance, rather than according to the common form to appear at the sessions, where the offender would be bound to find fresh security, without any new offence alleged; and for non-appearance his recognizance would be forfeited, except reasonable cause shewn by sickness or otherwise.—The recognizance may be forfeited by doing any actual violence to the person of another, or causing it to be done by his instigation. *Dalt. c.* 121.—A justifiable assault is no forfeiture. 1 *Haw. c.* 60, *s.* 23, 24.—If the recognizance is made to keep the peace *generally*, it shall be deemed to be during the parties' life, and as such recognizance cannot be discharged, it should not be granted upon slight grounds. *Dalt. c.* 119, 120. but it is discharged upon the death of the King, or of the principal. 1 *Haw. c.* 60, *s.* 17. and it has been held that the recognizance may be discharged on the release of the complaining party. *Ibid.*

If the recognizance is to keep the peace towards the King and all his subjects, the sessions may discharge it, unless on proclamation some person appears to demand sureties upon warrantable cause; but if it is made to keep the peace with a particular person the sessions will not discharge it, though the person requiring it do not appear, and

the court may bind over the party to the next sessions. *Dalt. c.* 120.

If the party accused be in prison for want of sureties, on the death of the party demanding the peace he shall be released, or if he offers sufficient surety while in prison. *Dalt. c.* 118.

SURETY FOR GOOD BEHAVIOUR.

This surety, as far as respects the taking, superseding and discharging it, is similar to surety for the peace.

The stat. 34 *Edw. III. c.* 1, impowers justices to bind over to their good behaviour all persons of evil fame, which being words of comprehensive meaning, much is left to the discretion of magistrates; but it has been held that this surety may be taken for causes of scandal, *contra bonos mores*, as well as *contra pacem*, for scandalous words spoken of the government, or in abuse of officers of justice. —It may be demanded of eaves-droppers, persons keeping suspicious company, suspected pilferers or robbers, night-walkers, whoremongers, putative fathers of bastards, cheats, idle vagabonds or other persons whose conduct may reasonably bring them within the scope of the statute; but if the justice commits for want of sureties, he must distinctly state the cause, and take care that he is warranted by the act in so doing. 1 *H. P. C. c.* 61.—A recognizance for good behaviour may be forfeited by the same means as a recognizance for the peace; and

by some others, as by going armed to the terror of the people, by seditious words, or by committing any of those acts of misbehaviour which the recognizance is intended to prevent.

Warrant for the Peace or Good Behaviour in the King's Name.

George III. by the Grace of God of the United Kingdom of Great-Britain and Ireland King, Defender of the Faith, to our Sheriff of our county of ——, to the Constable of the hundred of —— in the said county, to the Petty Constables of the town of —— in the said county, and to all and singular our Bailiffs and other Ministers in the said county, as well within Liberties as without, greeting.

—— to wit. Forasmuch as A. B. of —— in the said county, yeoman, hath personally come before S. P. Esq. one of our justices assigned to keep the peace within the said county, and hath taken his corporal oath that he the said A. B. is afraid that C. D. of —— in the said county, yeoman, will beat [wound, maim or kill] him the said A. B. and hath thereupon prayed surety of the peace against him the said C. D. [*or, if for the good behaviour*, hath taken his corporal oath that C. D. of —— in the said county, yeoman, hath threatened to beat him the said A. B.; *or*, to burn the house of him the said A. B.; and hath thereupon prayed surety for the good behaviour of the said C. D.] Therefore we command and charge you, jointly and severally, that immediately upon the receipt hereof you bring him the said C. D. before the said S. P. Esq. to find sufficient surety and mainprize, as well for his personal appearance at the next general quarter sessions of our peace to be holden at —— or elsewhere, in and for the said county, as also for our peace in the mean time to be kept towards us and all our liege people, and chiefly towards the said A. B.; that is to say, that he the said C. D. shall not do, nor by any means procure or cause to be done any of the said evils to any of our said people, and especially to the said A. B. [*or, if for the good behaviour*, as also for his good behaviour in the mean time towards us and all our liege people, especially towards him the said A. B.] Witness the said S. P. Esq. at —— in the said county, the —— day of ——, in the 57th year of our reign.

Warrant for the Peace or Good Behaviour in the name of the Justice.

S. P. Esq. one of the justices of our Lord the King, assigned to keep the peace within the county of ——, to the Sheriff of the said county, to the High Constable of —— in the said county, to the Petty Constables of —— in the said county, and to all other the Ministers and Officers of our said Lord the King within the said county, and to every of them, greeting.

—— to wit. Forasmuch as A. B. of the parish of —— in the said county, gent. hath personally come before me and hath taken his corporal oath that he the said A. B. is afraid that C. D. of the parish of —— in the said county, yeoman, will beat him [*or*, wound, maim, kill, or do to him some bodily hurt], and hath therefore prayed surety of the peace against him the said C. D. [*or*, *if for the good behaviour*, that C. D. of the parish of —— in the said county, yeoman, hath threatened to do some bodily hurt to him the said A. B.; *or*, to burn the house of him the said A. B. and hath therefore prayed surety for the good behaviour against him the said C. D.]—These are therefore on the behalf and in the name of our said Lord the King, to command you, jointly and severally, that immediately upon the receipt hereof you bring the said C. D. before me, to find surety as well for his personal appearance at the next general quarter sessions of the peace to be holden at —— in and for the said county, as also for his keeping the peace [*or*, for his being of the good behaviour] in the mean time towards the king and all the liege people, and chiefly towards the said A. B.

Given under my hand and seal, at —— in the said county, the —— day of ——, in the 57th year of the reign of our said Lord George III. of the United Kingdom of Great Britain and Ireland King, Defender of the Faith.

S. P.

Another Warrant for the Peace or Good Behaviour.

To the Constables of the town of —— in the county of —— and to either of them.

—— to wit. Forasmuch as A. B. the wife of C. B. of your said town, labourer, hath required surety of the peace [*or*, of the good behaviour], before me S. P. Esq. one of the justices of our Lord the King, assigned to keep the peace within the said county, against E. F. of your said town, butcher, and [illegible] hath taken her corporal oath before me, that she requireth the same not for any private malice, hatred or evil [illegible], but because she is afraid that he the said E. F. will do to her some bodily mischief, [*or as the case shall be; and if it be for the good behaviour, then add*, and that he the said E. F. hath threatened to do some bodily mischief to her the said A. B.] These are therefore in the name of our said Lord the King, to charge and command you that immediately upon sight hereof you or one of you do bring the said E. F. before me to find sufficient sureties, as well for his personal appearance at the next general quarter sessions of the peace to be holden in and for the said county, as also that he the said E. F. shall in the mean time keep the peace [*or*, be of the good behaviour], as well towards our said Lord the King as towards all his liege people, and especially towards the said A. B. Dated at —— in the said county, the —— day of ——, in the 57th year of the reign of our said Lord George III. of the United Kingdom of Great-Britain and Ireland King, Defender of the Faith.

S. P.

Another Warrant for the Peace or Good Behaviour.

To the Constable of —— in the county of ——.

—— to wit. Forasmuch as A. B. of the parish of —— in the county aforesaid, yeoman, hath personally come before me S. P. Esq. one of the justices of our said Lord the King, assigned to keep the peace within the said county, and hath taken his corporal oath that C. D. of the parish of —— aforesaid in

the county aforesaid, yeoman, hath assaulted, beaten and wounded him the said A. B. and further hath threatened him concerning his body, inasmuch that he the said A. B. is afraid that the said C. D. will beat, wound, maim or kill him the said A. B. or do to him some other bodily harm; and thereupon he the said A. B. hath prayed security of the peace [*or*, of the good behaviour] to be had or granted to him against the said C. D. These are therefore to require you, in the name of our said Lord the King, immediately upon sight hereof to bring the said C. D. before me to find sufficient sureties for his personal appearance at the next general quarter sessions of the peace to be holden in and for the said county, then and there to answer the premises, and in the mean time that he the said C. D. do keep the peace [*or*, shall be of the good behaviour] towards our said Lord the King and all his liege people, and especially towards the said A. B.

Given under my hand and seal, at —— in the said county, the —— day of ——, in the 57th year of the reign of our said Lord George III. of the United Kingdom of Great-Britain and Ireland King, Defender of the Faith.

S. P.

Warrant for Good Behaviour, on 34 Edward III. c. 1.

J. C. and S. P. Esquires, justices of our Lord the King assigned to keep the peace within the county of ——, to the Sheriff of the said county, to the Constable of the hundred of —— in the said county, to the Petty Constable of the town of —— in the said county, and to all and singular the Bailiffs, Constables and other Officers of our said Lord the King, in the said county, as well within Liberties as without, greeting.

—— to wit. Forasmuch as we are given to understand by the information, testimony and complaint of many credible persons, that A. B. of —— in the county aforesaid, yeoman, and C. D. of the same place, yeoman, are not of good name and fame nor of honest conversation, but evil doers, rioters, barrators and disturbers of the peace of our said Lord the King, so that murder, homicide, strifes, discords and other grievances and damages amongst the liege subjects of our said Lord the

King concerning their bodies are likely to arise thereby; therefore on the behalf of our said Lord the King, we command you and every one of you that you omit not by reason of any liberty within the county aforesaid, but that you att ch or one of you do attach the aforesaid A. B. and C. D. so that you have them before us or other our fellow justices of our said Lord the King, assigned to keep the peace in the county aforesaid, as soon as they can be taken [*or*, before the justices of our said Lord the King, assigned to keep the peace within the county aforesaid, and also to hear and determine divers felonies, trespasses and other misdemeanors in the said county committed, at the next general quarter sessions of the peace to be holden in and for the said county], to find before us [*or*, the said justices] sufficient surety and mainprize for their general good behaviour towards our said Lord the King and all his people, according to the form of the statute in such case made and provided; and this you shall in no wise omit, on the peril that shall ensue thereon; and have you before us [*or*, before the said justices at the sessions aforesaid] this precept.

Given under our hands and seals, at —— in the county aforesaid, the —— day of ——, in the 57th year of the reign of our said Lord the King and in the year of our Lord 1817.

J. C.
S. P.

Recognizance for the Peace or Good Behaviour.

—— to wit. Be it remembered that on the —— day of ——, in the 57th year of the reign of our sovereign Lord George III. of the United Kingdom of Great-Britain and Ireland King, Defender of the Faith, A. B. of —— in the county aforesaid, yeoman, C. D. of the same place, yeoman, and E. F. of the same place, yeoman, came before me S. P. Esq. one of the justices of our said Lord the King, assigned to keep the peace within the said county, and acknowledged themselves to owe to our said Lord the King, to wit, the said A. B. the sum of £20.; the said C. D. the sum of £10.; and the said E. F. the sum of £10. of good and lawful money of Great-Britain, to be respectively made and levied of their several goods and chattels, lands and tenements, to the use

of our said Lord the King, his heirs and successors, if he the said A. B. shall fail in performing the condition hereon indorsed [*or* underwritten.]

Acknowledged the day and year
above written, before me,
S. P.

THE CONDITION of this recognizance is such, that if the within bounden [*or*, above bounden] A. B. shall personally appear at the next general quarter sessions of the peace to be holden in and for the county aforesaid, to do and receive what shall then and there be enjoined him by the Court, and in the mean time shall keep the peace, [*or*, be of the good behaviour, *or*, shall keep the peace and be of the good behaviour] towards the King and all his liege people, and especially towards L. M. of —— in the said county, yeoman, then the said recognizance to be void, or otherwise to remain in full force.

Mittimus for want of Sureties.

To the Constable of —— in the county of ——, and to the Keeper of —— in the said county.

—— to wit. Whereas A. B. of —— in the said county, yeoman, is now brought before me S. P. Esq. one of the justices of our said Lord the King, assigned to keep the peace in and for the said county, requiring him to find sufficient sureties to be bound with him in a recognizance for his personal appearance at the next general quarter sessions of the peace to be holden in and for the said county, and in the mean time to keep the peace [*or*, be of the good behaviour] towards our said Lord the King and all his liege people, and especially towards C. D. of —— in the said county, yeoman; and whereas he the said A. B. hath refused and doth now refuse before me to find such sureties; These are therefore in the name of our said Lord the King to command you the said constable forthwith to convey the said A. B. to the common gaol of our said Lord the King, [*or*, to the house of correction] at —— in the said county, and to deliver him to the keeper thereof there, together with this precept. And I do in the name of our said Lord the King hereby command you the said

keeper to receive the said A. B. into your custody in the said gaol [*or* house of correction] and him there safely to keep until he shall find such sureties as aforesaid.

Given under my hand and seal, the —— day of ——, 1817.

S. P.

The Form of a Supersedeas.

S. P. Esq. one of the justices of our Lord the King, assigned to keep the peace within the county of ——, to the Sheriff, Bailiff, Constables, and others the faithful Ministers and Subjects of our said Lord the King within the said county, and to every of them, greeting.

—— to wit. Forasmuch as A. B. of —— in the said county, yeoman, hath personally come before me at —— in the said county, and hath found sufficient surety, that is to say, C. D. of ——, yeoman, and E. F. of ——, yeoman, either of whom hath undertaken for the said A. B. under the pain of £20.; and he the said A. B. hath undertaken for himself under the pain of £40. that he the said A. B. shall personally appear at the next general quarter sessions of the peace to be holden in and for the said county, then and there to do and receive what shall be enjoined him by the said court, and in the mean time shall well and truly keep the peace [*or*, be of the good behaviour] towards our said Lord the King and all his liege people, and especially towards G. H. of ——, yeoman. Therefore on behalf of our said Lord the King I do command you and every of you that you utterly forbear and surcease to arrest, take, imprison or otherwise by any means for the said cause to molest the said A. B; and if you have for the said occasion, and for none other, taken and imprisoned him the said A. B. that then him you deliver or cause to be delivered and set at liberty without further delay.

Given at —— aforesaid in the county aforesaid, under my hand and seal, this —— day of ——, in the 57th year of the reign of our Lord George III. of the United Kingdom of Great-Britain and Ireland King, Defender of the Faith.

S. P.

Release of the Surety for the Peace or Good Behaviour.

—— to wit. Be it remembered that on the —— day of ——, in the 57th year of the reign of our Sovereign Lord George III. the aforesaid A. B. hath come before me S. P. Esq. and freely remised and released, as much as in him lieth, the aforesaid security of the peace [*or*, of the good behaviour], by him before me prayed against the above-named C. D. In witness whereof, I the said S. P. at —— in the county aforesaid, have hereunto set my seal.

Given under my hand, &c.

S. P.

Or the Release may be by itself, thus;

—— to wit. Be it remembered that A. B. of —— in the said county, yeoman, on the —— day of ——, in the 57th year of the reign of our Sovereign Lord George III. came before me S. P. Esq. one of the justices of our said Lord the King assigned to keep the peace within the said county, at —— in the said county, and there remised and freely released to C. D. of —— in the said county, yeoman, the surety of the peace [*or*, good behaviour], by him the said A. B. before me prayed against the said C. D.

Given under my hand &c.

S. P.

Or if it is before another Justice then say,

The surety of the peace [*or*, good behaviour] which he has against C. D. of —— in the said county, yeoman.

Given under my hand, &c.

[The first release should be written under the recognizance, and the justice should sign it; but neither of the releases will discharge the recognizance, or prevent the necessity of appearing at the sessions, by which only it can be legally discharged.]

Liberate *to discharge one committed for want of Sureties.*

S. P. Esq. one of the justices of our Lord the King, assigned to keep the peace in the county of ——, to the Keeper of His Majesty's Gaol at —— in the said county, greeting.

—— to wit. Forasmuch as A. B. in the prison of our said Lord the King, in your custody now being, at the suit of C. D. of —— in the said county, yeoman, for the want of his finding sufficient sureties for his personal appearance at the next general quarter sessions of the peace to be holden in and for the said county, and for his keeping the peace [*or*, being of the good behaviour] in the mean time towards our said Lord the King and all his liege people, and especially towards C. D. the said A. B. hath found before me sufficient sureties; to wit, E. F. of ——, yeoman, and G. H. of ——, yeoman, either of which hath undertaken for the said A. B. under the pain of £20.; and he the said A. B. hath undertaken for himself under the pain of £40. that he the said A. B. shall and will personally appear at the next general quarter sessions of the peace to be holden in and for the said county, and shall well and truly keep the peace [*or*, be of the good behaviour] in the mean time towards our said Lord the King and all his liege people, and especially towards the said C. D. Therefore on the behalf of our said Lord the King, I do command you that if the said A. B. do remain in the said gaol for the said cause and none other, then you forbear to grieve or detain him any longer, but that you deliver him thence and suffer him to go at large, and that upon the pain which will fall thereon.

Given under my hand and seal, at —— in the said county, the —— day of ——, in the 57th year of the reign of our said Lord George III. of the United Kingdom of Great-Britain and Ireland King, &c.

S. P.

SWEARING.

By 19 *Geo. II.* s. 21, every labourer, common soldier or common seaman convicted of profane swearing, on confession or oath of one witness, before one justice, shall forfeit 1s. other persons under the degree of gentlemen, 2s. and of or above that degree 5s. for second offence double, and third offence treble. *s.* 1. to go to the poor where the offence is committed. *s.* 10.—A person swearing in the presence of a justice, he may convict *instanter*. *s.* 2.

A constable hearing a person swear, may (if the party is *unknown* to him) convey him before the next justice, who may convict him upon the constable's oath; but if *known*, the constable must lay an information. *s.* 3.—If the penalties are not paid on conviction, the justice may commit to hard labour in the house of correction for ten days. *s.* 4.—The charges of conviction to be paid by the offender. *s.* 10. but not more than 1s. for the information, summons and conviction; and if not paid, he may be further committed for six days. *Ibid.*—Soldier or seaman not paying penalty and costs, to be put in the stocks one hour for each offence; and for a number of offences committed at the same time for two hours. *s.* 5.—Conviction not removable; a justice omitting his duty to forfeit £5. half to the poor and half to the party suing. *s.* 6.

A constable omitting his duty, to forfeit 40s. on conviction on oath of one witness before one justice, to be levied by distress; and in default, he may be committed to hard labour for one month to the house of correction; half of the penalty to the informer. *s.* 7.—The act to be publicly read four times a year, by the minister of every church or chapel, on pain of £5. to be levied by distress, by warrant of one justice. *s.* 13.—No person to be prosecuted, unless information be laid within eight days after the offence committed. *s.* 12.

Information for Swearing.

—— to wit. The information of A. B. of —— in the county aforesaid, yeoman, made on oath this —— day of ——, in the year of our Lord 1817, before me S. P. Esq. one of His Majesty's justices of the peace for the said county, who saith, that on the —— day of —— now last past, at —— in the parish of —— in the said county, he heard C. D. of —— in the said county, yeoman, swear one profane oath [*or*, curse one profane curse] in these words, to wit, [*state the particular words.*]

Summons thereon.

To the Constable of ——.

—— to wit. Whereas information hath this day been made before me S. P. Esq. one of His Majesty's justices of the peace for the said county, upon the oath of A. B. of ——, yeoman, that on the —— day of ——, he heard C. D. of —— in the said county, yeoman, at —— in the parish of —— in the said county, swear one profane oath [*or*, curse one profane curse]. These are therefore to command you to cause the said C. D. forthwith to appear before me to answer the premises, and to be further dealt with according to law.

Given under my hand and seal, at —— in the said county, this —— day of ——, in the year of our Lord 1817.

S. P.

Conviction.

—— to wit. Be it remembered that on the —— day of ——, in the 57th year of His present Majesty's reign, C. D. was convicted before me S. P. Esq. one of His Majesty's justices of the peace for the county aforesaid, of swearing one or more profane oath or oaths [*or*, cursing one or more profane curse or curses].

Given under my hand and seal, the —— day of ——, 1817.

S. P.

Commitment.

To the Constable of —— in the county of ——, and to the Keeper of the House of Correction at —— in the said county.

—— to wit. Whereas C. D. of —— in the said county, yeoman, is and stands convicted this day before me S. P. Esq. one of His Majesty's justices of the peace for the said county of ——, for swearing one profane oath on the —— day of ——, in the year of our Lord 1817, at —— in the parish of —— in the said county, whereby he hath forfeited the sum of 1s. to the poor of the said parish; and whereas the said C. D. hath refused to pay the said fine and doth refuse to give satisfactory security to pay the same; [*if he refuses to pay the charges say*,—and whereas the said C. D. hath refused and doth refuse to pay the sum of 1s. which I have settled as and for the charges touching the premises, and hath refused and doth refuse to give any satisfactory security for payment thereof]. These are therefore to require you the said constable to convey the said C. D. to the house of correction aforesaid, and to deliver him to the keeper thereof together with this warrant; and I do hereby command you the said keeper to receive the said C. D. into your custody in the said house of correction, and there to detain and keep him to hard labour for the space of ten days [*or*, sixteen days if the costs are not paid], and for so doing this shall be your sufficient warrant.

Given under my hand and seal, at —— in the said county, this —— day of ——, in the year of our Lord 1817.

S. P.

THREAD.

Reels for making ounce or nun's thread, to be one yard or 36 inches in circumference, under a penalty of £5. to the informer, and the reel to be destroyed. 28 *Geo. III. c.* 17, *s.* 1. and such thread to be made up in hanks, ounces, quarters and pounds, avoirdupoise weight; each hank to contain 30 threads or rounds of the reel of the same quality; each ounce to contain a particular number of hanks entire; each quarter to contain four ounces, and each pound four quarters.—The cover of the package to specify the number of hanks in each ounce and the manufacturer's name and place of abode, under a penalty on the seller of £10. and forfeiture of the thread to the informer. *s.* 2.

Counterfeiting marks, or selling thread with such marks, incurs the like penalty, to be paid to the person whose stamp is counterfeited. *s.* 3.

Offences to be heard and determined by two justices, who on oath of two witnesses or by confession, may give judgment, and levy the penalties by distress and sale; and in default of distress, the offender may be committed to gaol for three months, unless the penalty is sooner paid. *s.* 4.—Appeal allowed to the next sessions, and either justice or sessions may mitigate penalties to not less than half with costs. *s.* 5.—Witnesses duly summoned and not attending, to forfeit £5. each, to be levied in like manner as the other penalties. *s.* 6.

TILES. See "*Bricks and Tiles.*"

TITHES.

Tithes are the tenth of the increase yearly arising and renewing from the profits of lands, the stock upon lands, and personal industry; the first are called *predial*, as corn, hay, grass, hops and wood; the second *mixed*, as milk, wool, pigs, &c. the third, *personal*, as of manual occupations, trades, fisheries, &c. 2 *Comm. c.* 3.

Great tithes are chiefly hay, corn and wood, and in general belong to the rector; and small tithes consisting of part predial, together with personal and mixed, belong to the vicar. *Cro. Car.* 20.—Personal tithes are only due by special custom.

By 7 and 8 *Wm. III. c.* 6, it is enacted, that for the more easy recovery of small tithes, when the same do not amount to above 40*s.* yearly, if any person shall fail in payment for 20 days after demand, the parson may make complaint in *writing* to two justices, (neither of them being patron or otherwise interested,) who may summon the party, hear and determine the complaint, and give reasonable costs, not exceeding 10*s.* and the like costs to the party prosecuted, if the complaint is false or vexatious; but if the party complained of insists on a prescription, composition, or *modus decimandi*,

and delivers the same in writing to the justices and to the party complaining, and gives security to pay costs at law, the justices are not to give judgment.

The complaint to the justices to be made within two years after tithes become due. *s.* 6.—A notice of the adjudication to be given to the party complained of. *s.* 3. and if any person neglect for the space of ten days after such notice, to pay the sum awarded, the constables and churchwardens of the parish or one of them, shall by warrant of the justices distrain, and after detaining the goods three days, (increased by 27 *Geo. II. c.* 20, to not less than four nor more than eight days,) shall sell the same, and pay the party complaining, together with the costs of taking and keeping the distress. *s.* 3. and also by the stat. 27 *Geo. II. c.* 20, the costs of the sale.

Appeal allowed to the session, and not removable by *certiorari*, unless the title to the tithes be in question.

By 53 *Geo. III. c.* 127, the act of 7 and 8 *W. III. c.* 6, is amended, and justices may now hear and determine any complaint for tithes not exceeding £10. in amount; one justice may hear the complaint and summon the party before two justices, who are authorised to hear and determine it.

For recovery of tithes due from quakers, see "*Quakers.*"

Complaint for Small Tithes.

To J. C. and S. P. Esquires, two of His Majesty's justices of the Peace in and for the county of ——; A. B. of —— in the said county, Clerk,

Humbly complaineth,

That he the said complainant did, by the space of twenty days and upwards before the day of the date hereof, demand of C. D. of —— in the parish of —— in the county aforesaid, yeoman, the small tithes, offerings, oblations and obventions justly become due within two years now last past, from the said C. D. unto him the said complainant, to the value of £——, and that the said C. D. did upon the said demand refuse and doth yet refuse to pay or compound for and hath not paid nor compounded for the same or any part thereof; the said complainant therefore prayeth such redress in the premises as to you shall seem meet, and to the law doth appertain. Signed the —— day of ——, in the year of our Lord 1817.

A. B.

Summons thereon.

To the Constable of ——.

—— to wit. Whereas complaint in writing hath been made unto us J. C. and S. P. Esquires, two of His Majesty's justices of the peace for the said county, by A. B. of —— in the said county, clerk, that C. D. of —— in the said county, yeoman, hath for above the space of twenty days before the time of the said complaint so made unto us as aforesaid, refused to compound for or to pay unto him, and hath not yet compounded for nor paid the small tithes, offerings, oblations and obventions justly due from the said C. D. to him the said A. B. These are therefore to command you forthwith, upon sight hereof, to summon the said C. D. to appear before us, at —— in the said county, on —— the —— day of ——, at the hour of —— in the —— noon of the same day, to answer unto the said complaint; and be you then there, to certify what you shall have done in the premises.

Given under our hands and seals, at —— in the said county, this —— day of ——, in the year of our Lord 1817.

J. C.
S. P.

Order to Pay.

—— to wit. Whereas complaint in writing hath been made unto us, two of His Majesty's justices of the peace for the said county, by A. B. of the parish of —— in the said county, clerk, that C. D. of —— in the said parish in the county aforesaid, yeoman, did refuse for the space of twenty days next before the time of the said complaint so made unto us as aforesaid, to pay or compound for his small tithes, offerings, oblations and obventions arising in the said parish and due to him the said A. B. We, therefore, the said justices, being neither of us patron of the parish church of —— aforesaid, nor any ways interested in any of the said tithes, offerings, oblations or obventions, having duly summoned the said C. D. to appear before us, and having duly examined the truth and justice of the said complaint upon oath, do find that there is justly due from the said C. D. to the said A. B. the sum of £—— being the value of the said tithes, offerings, oblations and obventions, become due within two years last past; and do therefore adjudge and order the aforesaid C. D. to pay or cause to be paid unto the said A. B. the aforesaid sum of £—— and also the sum of 10s. for his costs and charges in prosecuting the said C. D. for the recovery of the said just dues.

Given under our hands and seals, at —— in the said county, the —— day of ——, in the year of our Lord 1817.

J. C.
S. P.

Distress Warrant.

To the Constables of ——, and to the Churchwardens of the parish of —— in the county of ——, and to every of them.

—— to wit. Whereas upon the complaint in writing of A. B. of the parish of —— aforesaid in the county aforesaid, clerk, C. D. of —— in the said parish in the county aforesaid, yeoman, hath been duly summoned to appear before us, J. C. and S. P. Esquires, two of His Majesty's justices of the peace for the said county, to be examined for the non-payment of his

small tithes, offerings, oblations and obventions due unto the said A. B. And whereas we the said justices, being neither of us patron of the parish church of —— aforesaid, nor any way interested in any of the said tithes, offerings, oblations or obventions, have duly examined the truth and justice of the said complaint, and have ordered the said C. D. to pay unto the said A. B. the sum of £——, being the value of the small tithes, offerings, oblations and obventions become due from him to the said A. B. within two years next before the said complaint so made unto us as aforesaid, together with the sum of 10s. for his costs and charges in the recovery of the said just dues, making in the whole the sum of £——. And whereas it appeareth unto us the said justices, that the said C. D. hath had due notice of our said order for the space of ten days and upwards before the day of the date hereof, but hath refused to pay and hath not yet paid the aforesaid sum nor any part thereof. These are therefore to command you, jointly and severally, that you or some one of you do forthwith distrain the goods and chattels of the said C. D. and in case the said sum of £—— together with your reasonable charges of making and detaining the said distress be not paid, or tendered to be paid by him, in [*not less than* four *nor more than* eight] days next after such distress made, that then you do make public sale of the said goods and chattels so distrained as aforesaid, and out of the money arising from such sale that you pay or cause to be paid unto him the said A. B. the aforesaid sum, and thereout also deduct and detain your reasonable charges of making, keeping and selling the said distress; and if any overplus shall remain, after such payment and deduction as aforesaid, that then you do render the same upon demand unto the said C. D.

Given under our hands and seals, at —— in the said county, this —— day of ——, in the year of our Lord 1817.

J. C.
S. P.

TOBACCO.

No person to plant tobacco under penalty of 40s. for every rod, half to the King and half to the person suing in any court of record. 12 *Car. II. c.* 34, *s.* 1.

and by 15 *Car. II. c.* 17, *s.* 18, a further penalty of £10. one-third to the King, one-third to the party suing, and one-third to the poor.

By 22 and 23 *Car. II. c.* 26, justices shall issue their warrants to high and petty constables to search for tobacco, and make presentment thereof at the next sessions. *s.* 2. which presentment shall be a sufficient conviction of the persons presented, but party may traverse it. *s.* 3.

Constables and other public officers, within fourteen days after warrant from two justices, shall destroy tobacco growing in any field or ground. *s.* 4. and if any suffered to grow by the space of fourteen days after the receipt of such warrant, the peace officer shall forfeit 5*s.* for every rod. *s.* 5.

Persons refusing to assist constable, to forfeit 5*s.* to be levied by distress, and if no distress, commitment for one week to the common gaol. *s.* 6. persons resisting constable, to forfeit £5. on conviction by two justices, to be levied by distress, and if no distress, commitment to gaol for three months. *s.* 7.

Nothing in this act to prevent the planting tobacco in gardens for physical purposes, and not exceeding half a pole in quantity. *s.* 9.

The duties on tobacco and snuff are continued by 56 *Geo. III. c.* 3.

TREES. See "*Wood.*"

TURNIPS, &c.

By 13 *Geo. III. c.* 32, stealing or maliciously pulling up (and by 42 *Geo. III. injuring)* or destroying turnips, potatoes, cabbages, parsnips, pease, (and by 42 *Geo. III. beans)* or carrots growing in any garden, (and by 42 *Geo. III.* orchard) lands or grounds, open or inclosed, on conviction before one justice, by confession or oath of one witness, subjects the offender to a penalty not exceeding 10s. (increased by 42 *Geo. III. c.* 67, to 20s.) over and above the value of the things stolen, &c. to be distributed as the justice shall think fit between the owner and the poor, or such justice may assign the whole to the owner if he shall think fit; and in default of payment, the offender to be committed to the house of correction to hard labour, for not exceeding one calendar month, (and by statute 42 *Geo. III. c.* 67, two months, unless the penalty is sooner paid).—Evidence of the owner and inhabitants admissible, but if the owner only, the whole penalty to go to the poor.—Prosecution to be commenced within thirty days after the offence committed. *s.* 5.

VAGRANTS.

By the act 17 *Geo. II. c.* 5, *s.* 1, vagrants are divided into three classes, viz. idle and disorderly persons, rogues and vagabonds, and incorrigible rogues; idle and disorderly persons are — persons

threatening to run away and leave their families chargeable to the parish; persons unlawfully returning to the parish from whence they have been legally removed by order of two justices; persons living idle and refusing to work in the parish or places where they are; beggars; and by 32 *Geo. III. c.* 45, *s.* 8, persons neglecting to work and provide for their families, frequenting ale-houses, by which their families become chargeable. The penalty on conviction of such offenders, on view, confession, or oath of one witness, is commitment to the house of correction for not exceeding one month, *i. e.* twenty-eight days, (a lunar month) the warrant must shew the justice's authority to convict, 6 *T. R.* 225. and there must be a previous conviction. 6 *T. R.* 509.—Beggars may be apprehended by any person and carried before a justice, and if they resist or escape, they may be punished as rogues and vagabonds.—Justice may order a reward of 5*s.* to be paid by the overseer to the person apprehending, and if not paid, may levy the same by distress of the goods of the overseer. 17 *Geo. II. c.* 5, *s.* 1.

Rogues and vagabonds are by this act defined to be—1. Persons gathering alms for pretended losses.—2. Collectors for hospitals, prisons, &c.—3. Fencers.—4. Bearwards.—5. Common stage-players.—6. Minstrels.—7. Jugglers.—8. Gypsies.—9. Fortune-tellers.—10. Persons using subtle craft to impose.—11. Playing or betting at unlaw-

ful games.—12. Running away and leaving their families chargeable.—13. Unlicensed pedlars or chapmen.—14. Wanderers or sleepers in the open air.—15. Beggars pretending to be seamen or soldiers. 16. Pretending to work in harvest.—17. Illegally dealing in lottery tickets.—18. (By 39 and 40 *Geo. III. c.* 50,) persons to the number of two or more assembling in the night to destroy game, or who shall aid or assist therein.—19. All beggars wandering abroad.—20. (By 23 *Geo. III. c.* 88,) persons found in any out-house, &c. having in their possession implements for house-breaking,—and 21. (By 39 and 40 *Geo. III. c.* 87, *s.* 12,) suspicious persons and reputed thieves frequenting the Thames, and the quays and warehouses adjoining.

Incorrigible rogues are—1. End gatherers, being convicted of that offence.—2. Persons apprehended as rogues and vagabonds, escaping or refusing to go before a justice, or to be conveyed by pass warrant.—3. Rogues and vagabonds escaping out of the house of correction.—4. Persons having been punished as rogues and vagabonds, convicted of a second offence,—and 5. Persons convicted of a third offence against 6 *Geo. III. c.* 48. See title "*Wood.*"

A constable or any other person may apprehend offenders against this act, and convey them to a justice; the party apprehending shall be entitled to 10*s.* reward, to be paid within a week by the high constable, by warrant of one justice, to be

reimbursed out of the county rate; and a constable incurs a penalty of 20s. for refusing or neglecting to pay it, which may be levied by distress and sale. *s.* 5. but no justice to order any reward to any constable or other person for apprehending a rogue and vagabond until he shall have been punished as directed by this act, and until the examination required by 17 *Geo. II.* be transmitted to the next sessions. 32 *Geo. III. c.* 45, *s.* 2.

A constable neglecting his duty, or any other person charged by a justice to perform it, forfeits 10s. to the poor, to be levied by distress and sale. *Ibid.*

Justices to cause a privy search to be made at least four times a year, or oftener if need be, for rogues and vagabonds. 17 *Geo. II. c.* 5, *s.* 6. two justices in case any persons on a general privy search shall be charged with being rogues and vagabonds or as idle and disorderly persons, or with suspicion of felony (though no direct proof thereof,) such persons may be examined as to their place of settlement, which examination, signed by the party, shall be filed at the sessions; and if such persons cannot shew they have a lawful way of getting their livelihood, or give security, (if required,) for their future appearance, the justices may commit to the house of correction for not exceeding six days, and order the overseers to advertise their persons and any thing found upon them suspected to be stolen, with the place of their com-

mitment, and the time and place appointed for their re-examination; and if no accusation shall then be made against them, they may be discharged, or dealt with according to law. 25 *Geo. II. c.* 36, *s.* 12.

A rogue or vagabond when apprehended by a constable shall be taken before a justice, who shall examine him on oath and in writing as to the place of his last legal settlement, which examination, signed by the party and also by the justice, shall be transmitted to the next session, and filed of record. 17 *Geo. II. c.* 5, *s.* 7. and such justice shall order such person to be publicly whipped or be sent to the common gaol or house of correction till the next general or quarter sessions or for any less time, as the justice shall think fit. *Ibid.*

When any justice shall order to be conveyed by pass any rogue or vagabond, according to 17 *Geo. II. c.* 5, such rogue, &c. shall be publicly whipped or sent to the house of correction till the next general or quarter sessions or for any less time, as justice shall order, not less than seven days; and such justice shall certify in the pass that such person has been publicly whipped or confined for seven days in the house of correction. 32 *Geo. III. c.* 45, *s.* 1. but not to be so whipped or confined unless such person has committed an act of vagrancy, and has been convicted thereof under 17 *Geo. II. c.* 5, but no female vagrant to be whipped in any case. *s.* 3. A vagrant pass may be suspended during the sickness of the person included in it. *s.* 2. If any of-

fender shall be committed to the house of correction till the next sessions, the justices at such sessions may (if such offender shall be adjudged a rogue and vagabond, or incorrigible rogue) order such rogue and vagabond to be kept in the house of correction to hard labour for any time not exceeding six months, or such incorrigible rogue for any further time not exceeding two years nor less than six months, and to be whipped in the mean time as justices shall direct; such person may, if the sessions think convenient, be afterwards sent away by pass; and if such person be a male and above twelve years old, the court may send him to be employed in His Majesty's sea or land service; and if an incorrigible rogue break prison, or shall offend again in like manner, he shall be adjudged guilty of felony, and be transported for seven years. 17 *Geo. II. c.* 5, *s.* 9.

Children of vagrants, above seven years old, committed to the house of correction, may by justices at the sessions be apprenticed to any person willing to take them until 21 years old or a less time. 17 *Geo. II. c.* 5. and if the settlement of vagrants committed to the house of correction cannot be found, the justices at session may order them to be detained and employed in the house of correction until they can provide for themselves, or until the said justices can place them in some lawful calling. *s.* 28. After such whipping or confinement as before stated, the justice may, if he thinks proper, by a

pass under his hand and seal, cause vagrant to be conveyed to his last legal settlement; but if that cannot be found, then to the place of his birth, or if under fourteen years old and he hath any father or mother living, then to the place of his or her abode, and to be delivered to some parish officer there. 17 *Geo. II. c.* 5, *s.* 7. justice shall make a duplicate of vagrant pass and examination, and send the same to the sessions, and such pass, examination and duplicate shall be evidence in a court of record. *s.* 8. with such pass shall be delivered a note or certificate by the justices, ascertaining in what manner the vagrants are to be conveyed, and what allowance the constable is to have for carriage. *s.* 10.—Any justice may order a vagrant to be searched, and if money or goods are found upon him, he may order it to be applied in paying the expenses of his removal. *s.* 12. justices may limit the rate per mile or otherwise, for conveying vagrants; and high constable to pay the sum ascertained to petty constable, with such reasonable compensation for his time and trouble as justice shall think fit. *s.* 17.—Penalty on constables, &c. counterfeiting or altering certificate £50. or neglecting their duty £20. to be levied by distress by justices at the sessions. *s.* 18.—The parish to whom a vagrant is sent, may employ him to work in the workhouse, and if he refuse he may be carried to a justice, who may commit him to the house of correction to be kept to hard labour. *s.* 19.

but he cannot be removed from the place where sent unless by an order of removal by two justices on examination taken before them. *s.* 11.—Vagrants, being natives of Scotland and having no settlement in England, may be sent to Scotland, and if they return after having been so conveyed, they shall be deemed incorrigible rogues. *s.* 14.—Irish vagrants shall be sent to Ireland, and masters of vessels bound thither shall by warrant under seal of a justice, take the vagrant expressed in such warrant; constable serving the warrant shall pay for such conveyance such sum as shall be appointed by justices at the sessions; and master refusing shall forfeit £5. to the poor, to be levied by distress. *Ibid.* but not compellable to take more than one vagrant for every twenty tons burthen. *s.* 15.

Lunatic vagrants may by warrant of two justices be apprehended, confined and their property sold to repay the expenses of such confinement, on charges being first proved on oath before two justices, under whose order the effects may be seized and sold; and if the property is not more than sufficient to keep the lunatic's family, then the charges to be paid by the parish to which he belongs. *s.* 20. but this not to prevent the friends or relations of such lunatic from taking care of them. *s.* 21.—See title "*Lunatics.*"

Any person harbouring vagrants in barns, &c. to forfeit not exceeding 40*s.* nor less than 10*s.* on confession or oath of one witness, before one justice;

half to the informer and half to the poor, to be levied by distress; and if no distress, imprisonment in the house of correction for not exceeding one month. *s.* 23.—Women in a state of vagrancy, and delivered of a child in places to which they do not belong, may be detained by parish officers until they can be taken to a justice, who shall examine them and commit them to the house of correction until the next sessions; the justices at sessions may order them to be publicly whipped (the act however of 32 *Geo. III. c.* 45, *s.* 3, prohibits the whipping of female vagrants in *any* case), and further imprisoned six months, and the reasonable expenses of the parish officers to be paid by the county treasurer; and the child, if a bastard, shall not be settled in the parish where born, but at the settlement of its mother. *s.* 25.—Justice to make a record of the proceedings had before him, which record is evidence in case of appeal against an order of removal.

Any person hindering the execution of the vagrant act, whether constable or not, shall be fined not more than £5. nor less than 10s. to the poor, to be levied by distress, on oath of one witness, before one justice, and in default of distress, commitment to the house of correction for not exceeding two months. 17 *Geo. II. c.* 5, *s.* 22.

Appeal allowed to the next general or general quarter sessions against any act done by a justice out of sessions. *s.* 33. but it has been decided, that

an appeal does not lie by a *parish* against a vagrant pass.—*B. S. C.* 340.—5 *Burn*, 604.

By 51 *Geo. III. c.* 119, *s.* 18, Constable or other peace officer may apprehend suspected persons and reputed thieves, and convey them to a justice of the peace; if it shall appear by the oath of one witness that such person is a person of evil fame or reputed thief, and he cannot give a satisfactory account of himself or his way of living, every such person shall be deemed and punished as a rogue and vagabond, within the intent of 17 *Geo. III. c.* 5. Appeal allowed to the next general or quarter sessions, on entering into recognizances with two sureties to appear and try the said appeal.

Order on Overseers to pay 5s. for apprehending a Person begging in his own Parish, not to be issued until such Person (except a Woman) has been whipped or sent to prison.

To the Overseers of the Poor of the parish of —— in the county of ——.

—— to wit. Whereas it duly appears to me S. P. Esq. one of His Majesty's justices of the peace in and for the said county, that A. B. of —— in the parish of —— in the said county, an idle and disorderly person, did on the —— day of —— go about from door to door [*or*, place himself in the street, highway, &c.] in the said parish, to beg and gather alms there, and was then and there apprehended in the said parish of —— by C. D. an inhabitant of the said parish, and was by him brought before me in order to be dealt with according to law. I do hereby order you or some one of you to pay unto the said C. D. the sum of 5s. on demand, as a reward for apprehending the said A. B. on his delivering to you this order, and giving a receipt for the said sum.

Given under my hand and seal, the —— day of ——, 1817.

S. P.

Order for Payment of 10*s. for apprehending a Rogue and Vagabond after the Offender is whipped or sent to prison.*

To the High Constable of ——.

—— to wit. Whereas it duly appeareth unto me S. P. Esq. one of His Majesty's justices of the peace in and for the said county, that A. B. a rogue and vagabond was found wandering and begging [*or as the fact is*] in the parish of —— in the said county, which said A. B. was this day apprehended and brought before me by C. D. yeoman, in order to be dealt with according to law. I do hereby order you to pay unto the said C. D. as a reward for apprehending and bringing before me the said rogue and vagabond, the sum of 10s. within one week after demand thereof made, upon his producing and delivering to you this order, and giving unto you his receipt for the same.

Given under my hand and seal, at —— in the said county, the —— day of ——, in the year of our Lord 1817.

S. P.

Warrant for Privy Search for Vagrants.

To the High Constable of the hundred (or division) of —— within the county of ——.

—— to wit. At a meeting of the justices of our Lord the King, assigned to keep the peace within the said county, held at —— for the division aforesaid, this —— day of ——, in the year of our Lord 1817, by us J. C. and S. P. Esquires, two of the said justices assembled at the said meeting, being resident within the said division. We do hereby command you forthwith to issue your warrant to all the petty constables within the said division, for making a general privy search for rogues and vagabonds, according to the form hereunder written.

Given under our hands and seals, &c.

J. C.
S. P.

High Constable's Warrant.

To the Constable of ——.

—— to wit. By virtue of a precept from His Majesty's justices of the peace for the said county, acting in and for the said division, at their special meeting for that purpose assembled, you are hereby required in His said Majesty's name, commanding and taking to your assistance sufficient men within your constablewick (who are hereby required to assist you accordingly) to make a general privy search, in the night of the —— day of ——, throughout your said constablewick, for the finding and apprehending of rogues and vagabonds; and such as you shall so find upon such search, you are to carry forthwith before some of His said Majesty's justices of the peace for the said county, to be dealt with according to law. Herein fail not.

Given under my hand, the —— day of ——, in the year of our Lord 1817.

W. S. High Constable.

Another Form with Constable's Return.

To the Constables, Headboroughs, and other His Majesty's Officers of the Peace of the division of —— in the county of ——, whom these may concern; and to the Churchwardens and Overseers of the Poor of the parish of —— in the said division.

Division of —— in the county of ——.

These are in His Majesty's name and in pursuance of the statutes in that case made and provided, strictly to charge and command you and every of you, taking to your assistance a sufficient number of men, to make a general privy search throughout your said parish, in the night of —— the —— day of ——, for all persons who, not having wherewith to maintain themselves, live idle and without employment, and

refuse to work; all fencers and bearwards; all common players of interludes, not being authorized by law; all minstrels and jugglers; all persons pretending to be gypsies, or to have skill in physiognomy, palmestry, or like crafty sciences, or using any subtle craft to deceive and impose on any of His Majesty's subjects, or playing or betting at unlawful games or plays; all persons wandering abroad and lodging in alehouses, barns, outhouses, or in the open air, not giving a good account of themselves; all persons wandering and begging; and all other loose, idle and disorderly persons who shall be found offending against the laws and statutes made for the preservation of His Majesty's peace. And that all such persons as you and every of you shall upon search find, you are to apprehend and secure, and bring them before us or some other of His Majesty's justices of the peace for the said county, in order that they may be examined and dealt with according to law. And be you and every of you at a petty session, appointed to be held at —— in the county aforesaid, on —— the —— day of —— then immediately after such privy search, at twelve o'clock at noon, then and there to certify what you shall have done in the execution hereof.

Given under our hands and seals, at a meeting of His Majesty's justices of the peace for the county of ——, acting in and for the said division, at ——, this —— day of ——, 1817.

J. C.
S. P.

Constable's Return (indorsed.)

At the time and place within mentioned for making a return to the within precept, we the persons to whom the same is directed, do, in obedience thereto and in execution thereof, present and bring A. B. C. D. and E. F. loose, idle and disorderly persons &c.

Examination of a Vagrant.

—— to wit. The Examination of A. B. a rogue and vagabond, taken on oath before me S. P. Esq. one of His Majesty's

justices of the peace in and for the said county, the —— day of —— in the year of our Lord 1817, who on oath saith, that he was born at —— [*state the facts as far as is necessary to ascertain his last legal settlement.*]

A. B.

Taken and signed the day and year above-written, before me the abovesaid

S. P.

Warrant for Whipping a Vagrant.

To the Constables of ——.

—— to wit. Forasmuch as A. B. late of —— in the county of ——, a rogue and vagabond, is duly convicted before me, S. P. Esq. one of the justices of our Lord the King assigned to keep the peace within the said county of ——, for that he did this day wander abroad and beg in the —— of —— in the said county. I do therefore hereby command you to strip or cause to be stripped the said A. B. naked from the middle upwards, and publicly to whip or cause him to be whipped till his body be bloody; and afterwards to remove and convey him according to the directions of the pass herewith delivered to you.

Given under my hand and seal, at —— in the said county of ——, the —— day of ——, in the year of our Lord 1817.

S. P.

Information and Complaint against an Idle and Disorderly Person.

—— to wit. The complaint and information of C. D. of the parish of —— in the county of ——, taken this —— day of ——, before us whose names are hereunto subscribed and set, being two of His Majesty's justices of the peace in and for the said county, who on oath saith, that A. B. late of the same place, labourer, being a poor person and able to work, spends his money in ale-houses and places of bad repute, and in an improper manner; and does not apply a due proportion of the money earned by him towards the maintenance of his wife and children, by which

wilful default and neglect he hath permitted them to become chargeable to the said parish, and they are now actually chargeable thereto, and have been for the space of —— and more; whereupon he the said C. D. prays that he the said A. B. may be punished as an idle and disorderly person.

C. D.

Sworn before me, the —— day of ——, 1817,

S. P.

Commitment of an Idle and Disorderly Person, 17 Geo. II. c. 5.

To the Constable of ——, and also to the Keeper of the House of Correction at —— in the county of ——.

—— to wit. Forasmuch as A. B. late of —— in the county of ——, a rogue and vagabond is duly convicted before me S. P. Esq. one of the justices of our Lord the King assigned to keep the peace within the said county of ——, that he did this day go about from door to door [*or as the fact is*] to gather alms in the said parish in which he the said A. B. dwelt, contrary to the form of the statute in that case made and provided, and was by me adjudged to be committed for the said offence to the house of correction, there to be kept to hard labour for one month. These are therefore to command you the said constable to carry the said A. B. to the said house of correction, and deliver him to the said keeper thereof, together with this warrant; and I do hereby command you the said keeper to receive the said A. B. into your custody in the said house of correction, and him there safely to keep to hard labour for the space of one month, and for so doing this shall be your sufficient warrant.

Given under my hand and seal, at —— in the said county of ——, the —— day of ——, in the year of our Lord 1817.

S. P.

(If the Commitment be of a Rogue and Vagabond, say,)

" until the next general sessions of the peace to be holden in and for the county of ——, then and there to be further dealt with according to law,"—*and in the case of a rogue and vagabond,* he is not to be sentenced to hard labour.

See " *Commitment.*"

Vagrant Pass within the same Jurisdiction.

To the Constable of —— in the county of ——, to receive and convey; and to the Churchwardens, Chapelwardens, or Overseers of the Poor of the parish of —— in the said county, or either of them, to receive and obey.

—— to wit. Whereas A. B. was apprehended within the constablewick of —— aforesaid, in the county aforesaid, as a rogue and vagabond, and is duly convicted before me S. P. Esq. one of His Majesty's justices of the peace in and for the said county, for that he the said A. B. did wander abroad and beg in the said parish of ——, and upon the examination of the said A. B. taken before me the justice aforesaid, upon oath, (which examination is hereunto annexed) it doth appear that [*state the substance of the examination.*] These are therefore to require you the said constable to convey the said A. B. in the next direct way to the said parish of —— within the said county, and there to deliver him to some churchwarden, chapelwarden, or overseer of the poor of the same parish of ——, to be there provided for according to law. And you the said churchwardens, chapelwardens and overseers of the poor are hereby required to receive the said person and provide for him as aforesaid. And I do hereby certify that the said A. B. hath been confined in the house of correction at —— for the space of seven days [*or*, been publicly whipped, *as the case is.*]

Given under my hand and seal, this —— day of ——, in the year of our Lord 1817.

S. P.

Vagrant Pass from County to County.

To the Constable, Tythingman, or other Officer of the Peace of the —— of ——in the county of——, and also to all Constables and other Officers whom it may concern, to receive and convey; and to the Churchwardens, Chapelwardens, or Overseers of the Poor of the parish of —— in the county of ——, or either of them, to receive and obey.

—— to wit. Whereas A. B. was apprehended in the parish of —— in the county of ——, as a rogue and vagabond for

that he the said A. B. did this day wander and beg in the said parish of —— [*as the case is.*] And upon examination of the said A. B. taken before me S. P. Esq. one of His Majesty's justices of the peace in and for the said county of ——, upon oath, (which examination is hereunto annexed) it doth appear that his last legal settlement is in the parish of —— in the county of ——: These are therefore to require you the said constable, tythingman, or other officer of the peace of the said —— of ——, to convey the said A. B. to the town of —— in the county of ——, (that being the first town in the next precinct through which he ought to pass in the direct way to the said parish of —— to which he is to be sent,) and to deliver him to the constable or other officer of such first town in such next precinct, together with this pass and the duplicate of the examination of the said A. B. taking his receipt for the same. And the said A. B. to be thence conveyed on in like manner to the said parish of ——, there to be delivered to some of the churchwardens or overseers of the poor of the same parish, to be there provided for according to law. And you the said churchwardens, chapelwardens, or overseers of the poor, are hereby required to receive the said person, and provide for him as aforesaid. And I do hereby certify that the said A. B. hath been publicly whipped [*or*, confined in the house of correction for the space of ——.]

Given under my hand and seal, the —— day of ——, 1817.

S. P.

Order or Certificate for Conveyance of a Vagrant.

Whereas by a pass [*reciting the substance of the said pass*] I [*or*, we] do hereby order and direct the said person [*or*, persons] to be conveyed on foot [*or*, in a cart, *or*, by horse, &c.] to the said town [*or*, parish] of —— in ——, [*or*, other place, *describing it*] in the way to such parish [town, *or* place, *as the case shall be*,] in —— day's time; for which the said constable &c. is to be allowed the sum of —— and no more.

Given under my hand [*or*, our hands], this —— day of ——, &c.

Receipt to be indorsed on the Certificate.

Received of the Constable of —— the within-mentioned E. F. with his examination and pass, this —— day of ——, 1817.

G. H. Constable of ——.

Suspension of a Vagrant Pass to be indorsed thereon.

Whereas it doth appear unto me S. P. Esq. the justice within-named, that E. F. the vagrant within ordered to be passed, is at present unable to travel by reason of sickness and infirmity, [*or*, that it would be dangerous for him so to do, *as the case may be.*] I do therefore hereby suspend the execution of the within pass until it shall be made appear unto me that it can be executed without danger.

Given under my hand, &c.

S. P.

Subsequent Permission to execute such Pass, to be indorsed thereon.

Whereas it is now made appear unto me S. P. Esq. the justice aforesaid, and I am fully satisfied, that the within pass may be executed without danger, I do therefore order the same to be forthwith put in execution accordingly.

Given &c.

S. P.

Vagrant Pass to Scotland.

To the Constable of —— in the county of ——, and also to all Constables and other Officers whom it may concern, to receive and convey; and to all Constables and other Officers within that part of Great-Britain, called Scotland whom it may concern, to receive and obey.

—— to wit. Whereas E. F. was apprehended in the town of —— in the county aforesaid, as a rogue and vagabond, and is duly convicted before me, one of His Majesty's justices of

the peace in and for the said county of —— of being a rogue and vagabond, for that he the said E. F. did wander and beg in the town of —— [*or as the fact is*], and upon examination of the said E. F. taken before me the justice aforesaid upon oath (which examination is hereunto annexed), it doth appear that his lawful place of settlement is in that part of Great-Britain, called Scotland. These are therefore to require you the said constable of —— aforesaid in the county of —— aforesaid, to convey the said E. F. to the town of —— in the county of ——, (that being the first town in the next precinct through which he ought to pass in the direct way to that part of Great-Britain called Scotland aforesaid, to which he is to be sent,) and to deliver him to the constable or other officer of such first town in such next precinct, together with this pass and the duplicate of the examination of the said E. F. taking his receipt for the same; and the said E. F. is to be thence conveyed on in like manner to the next adjoining shire, stewartry or place, in that part of Great-Britain called Scotland aforesaid, and is there to be delivered to some constable or other officer of the next parish, district or place within such next adjoining shire, stewartry or place aforesaid, taking his receipt for the same; and such next officer in that part of Great-Britain called Scotland aforesaid, is hereby required to receive the said E. F. and give such receipt as aforesaid, and to dispose of him according to law.

Given under my hand and seal, this —— day of ——, in the year of our Lord 1817.

S. P.

The like to Ireland.

To the Constable of —— in the county of ——, and also to all Constables and other Officers whom it may concern, to receive and convey; and to all other Officers of the Peace whom it may concern, to receive and obey.

—— to wit. Whereas E. F. was apprehended in the town of —— in the county aforesaid, as a rogue and vagabond [*as in the last precedent*], and upon examination of the said E. F. taken before me the justice aforesaid, upon oath, (which examination is hereunto annexed,) it doth appear that his lawful

settlement is in the kingdom of Ireland. These are therefore to require you the said constable of —— aforesaid) to convey the said E. F. to the town of —— in the county of ——, (that being the town in the next precinct through which he ought to pass in the direct way to the said kingdom of Ireland, to which he is to be sent,) and to deliver him to the constable or other officer of such first town in such next precinct, together with this pass and the duplicate of the examination of the said E. F. taking his receipt for the same; and the said E. F. is to be thence conveyed on in like manner, until he shall arrive in the county of ——. And the constable or other officer to whom he shall be delivered in the said county of ——, is hereby required to apply to some justice of the peace in and for the said county, for a warrant to the master of any ship or vessel bound for the said kingdom of Ireland, to take on board the said ship or vessel the said E. F. and convey him to such place in the said kingdom of Ireland as such ship or vessel shall be bound unto.

Given under our hands and seals, this —— day of ——, in the year of our Lord 1817.

J. C.
S. P.

Travelling Pass.

To all Justices of the Peace, Mayors, Sheriffs, Constables, Tythingmen, Headboroughs, and all other His Majesty's Officers whom these may concern.

—— to wit. These are to desire you and every of you, to permit and suffer the bearer hereof, E. F. peaceably and quietly to pass into —— without any hindrance or molestation whatsoever, he demeaning himself orderly, and not exceeding the space of —— from the date hereof to accomplish his said journey, keeping the direct road and not staying more than —— days in any one place.

Given under my hand and seal (being one of His Majesty's justices of the peace in and for the said county of ——), the —— day of ——, in the 57th year of the reign of our Sovereign Lord George III. by the grace of God, of the United Kingdom of Great-Britain and Ireland King, Defender of the Faith, and in the year of our Lord 1817.

S. P.

Order on County Treasurer to pay Money to Constable for conveying Vagrants.

To the Treasurer of the county of ——.

—— to wit. Whereas A. B. one of the petty constables of the town of —— in the said county of ——, hath made oath before me S. P. Esq. one of His Majesty's justices of the peace in and for the said county, that he the said A. B. hath conveyed one C. D. and her infant child, being vagrants, from the town of —— in the said county to the borough of —— in the said county, being —— miles forward in their way to the place of their last legal settlement, by virtue of a vagrant pass; and hath also produced and verified on oath before me the said justice, a receipt for the said vagrant from under the constable's hand to whom he delivered the same. Therefore I do hereby order you the said county treasurer, on sight hereof, to pay to the said A. B. the sum of —— per mile for the conveyance of the said vagrants, and —— shillings for their maintenance, amounting in the whole to the sum of ——.

Given under my hand and seal, at —— in the said county, this —— day of ——, in the year of our Lord 1817.

S. P.

Commitment of a Vagrant to be removed by Pass.

To the Keeper of the House of Correction, at —— in the county of ——.

—— to wit. Whereas E. F. a rogue and vagabond, is duly convicted before me S. P. Esq. one of His Majesty's justices of the peace for the said county, for that he the said E. F. did [*state the offence*], in the parish of —— in the said county. These are therefore to command you the said keeper to receive the said E. F. into your custody in the said house of correction, and him safely keep for the space of —— days, and then deliver him into the hands of the person appointed for removing vagrants in the said county, in order that he may be conveyed by a pass (herewith sent) to the place of his last legal settlement.

Given under my hand and seal, this —— day of ——, in the year of our Lord 1817.

S. P.

Warrant to a Master of a Ship to export a Vagrant.

S. P. Esq. one of the justices of our Lord the King, assigned to keep the peace within the county of ——, to C. D. Master of the Ship called the —— of ——, now lying or being at ——, and bound for —— in the kingdom of Ireland, sendeth, greeting.

—— to wit. These are, in His Majesty's name, and in pursuance of the statute in that behalf made, to require you to take on board the said ship E. F. and G. H. vagrants, both of them being natives of the kingdom of Ireland aforesaid, and having no settlement in England, and them to convey to —— aforesaid in the kingdom of Ireland aforesaid, or to such other place in that kingdom as you shall arrive at; and for the charges thereof you shall take, and J. K. constable of —— at the time he shall serve you with this warrant shall pay, and is hereby required to pay unto you the sum of —— in the whole; that is, at the rate of —— by the head for each of the said vagrants so to be delivered unto you, the same being the rate last appointed by the justices of our said Lord the King, assigned to keep the peace within the said county, at their general quarter sessions of the peace in and for the said county. And you are on the back of this warrant to sign a receipt for the money so paid, and also for the said vagrants so delivered unto you.

Given under my hand and seal &c.

S. P.

Record to avoid the Settlement of a Bastard born in Vagrancy.

—— to wit. Be it remembered that on the —— day of ——, in the 57th year of the reign of our Sovereign Lord George III. of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, C. D. and E. F. overseers of the poor of the parish of —— in the said county, at —— in the said county, do bring unto me S. P. Esq. one of the justices of our said Lord the King, assigned to keep the peace within the said county, and also to hear and determine divers felonies, trespasses and other misdemeanors in the said county committed, the body of one G. H. and do complain unto me the

justice aforesaid and give me to be informed, that on the —— day of ——, in the year aforesaid, at —— in the parish aforesaid, she the said G. H. was wandering and begging, and that she the said G. H. then and there, to wit, on the said —— day of ——, at —— aforesaid in the parish aforesaid and county aforesaid, so wandering and begging, was delivered of a [male] child, and that thereby she the said G. H. hath become chargeable and is now chargeable to the said parish of ——, and that she the said G. H. had not then nor yet hath any lawful settlement in the said parish of ——; whereupon they the said overseers of the poor of the parish aforesaid do pray of me the justice aforesaid, that for themselves and for the other inhabitants of the parish aforesaid a due remedy may be provided, and that justice may be done in that behalf according to the form of the statute in that case made; which complaint, information and prayer by me the justice aforesaid being heard, I the said S. P. at —— aforesaid in the county aforesaid, on the said —— day of ——, in the year aforesaid, upon the examination of the said G. H. upon oath by me unto her upon the Holy Gospel administered, and upon other lawful evidence and testimony before me had and made, do find that on the —— day of ——, [*verbatim as is set forth above in the information.*] And thereupon it is ordered by me the justice aforesaid, that she the said G. H. be committed and is by me committed to the house of correction at —— in the county aforesaid, until the next quarter sessions of the peace to be held within and for the said county. In testimony whereof, I the said S. P. the justice aforesaid, at —— aforesaid in the county aforesaid, the —— day of —— aforesaid, in the year aforesaid, unto this record do set my seal.

S. P.

Conviction of an Idle and Disorderly Person, under 17 Geo. II.

—— to wit. Be it remembered that on the —— day of ——, in the 57th year of the reign of our Sovereign Lord George III. of the United Kingdom of Great-Britain and Ireland King, Defender of the Faith, and in the year of our Lord 1817, C. D. at —— in the said county, bringeth before me S. P. Esq. one of the justices of our said Lord the King, assigned to keep the peace within the said county, and also to hear and determine divers felonies, trespasses and other misdemeanors in the said county committed,

the body of E. F. and giveth me the said justice to understand and be informed, that on the —— day of ——, in the year aforesaid, at —— in the parish of —— in the county aforesaid, the said E. F. did go about from door to door, [*or if for any other offence, set it forth in the words of the statute*], and did place himself in streets, highways and passages to beg and gather alms in the said parish, in which said parish the said E. F. then dwelt, contrary to the form of the statute in such case made and provided; and therefore he the said C. D. prays of me the said justice that the said E. F. be dealt with according to law for his said offence: whereupon the said E. F. is asked by me the said justice if he can say any thing for himself why he the said E. F. should not be convicted of the said offence above charged upon him in form aforesaid, who pleadeth that he is not guilty thereof. Whereupon I do now proceed to examine into the truth of the complaint so brought by the said C. D. against the said E. F.; and hereupon on the day and year first aforesaid, at —— aforesaid in the county aforesaid, he the said C. D. being a credible witness, upon his corporal oath upon the Holy Evangelists of God now administered to him by me the said justice, in the presence and hearing of the said E. F. deposeth and saith, that on the —— day of —— aforesaid, in the year aforesaid, in the county aforesaid, he the said C. D. saw the said E. F. go about from door to door, and place himself in streets, highways and passages to beg and gather alms in the said parish, and that he heard the said E. F. beg alms of many persons in such streets, highways and passages, and that the said E. F. then dwelt in the said parish; and the said E. F. doth not produce before me any evidence to gainsay the same. Therefore it manifestly appeareth to me the said justice, that the said E. F. is guilty of the offence above charged upon him, in manner and form as in and by the said complaint is alleged, and is thereby an idle and disorderly person within the intent and meaning of the said statute. It is therefore adjudged by me the said justice that the said E. F. be convicted of the said offence, and he is hereby by me accordingly convicted of the offence charged upon him in and by the said complaint, according to the form of the statute in such case made and provided. And I do adjudge that the said E. F. for his said offence be committed, and the said E. F. is by me committed to the house of correction at —— in and for the said county, there to be kept to hard labour for one month, ac-.

cording to the statute in that case made and provided. In testimony whereof, I the said S. P. to this record of conviction have put my hand and seal at —— aforesaid in the county aforesaid, the —— day of —— in the said year of our Sovereign Lord George III. &c. and in the year of our Lord 1817.

S. P.

Conviction of a Rogue and Vagabond, under the same Statute.

—— to wit. Be it remembered that on the —— day of ——, in the 57th year of the reign of our Sovereign Lord George III. of the United Kingdom of Great-Britain and Ireland King, &c. and in the year of our Lord 1817, C. D. of —— in the said county of ——, bringeth before me S. P. Esq. one of the justices of our said Lord the King, assigned to keep the peace of our said Lord the King in and for the said county, and also to hear and determine divers felonies, trespasses and other misdemeanors in the said county committed, the body of E. F. and giveth me the said justice to understand and be informed, that on the —— day of ——, in the year aforesaid, at —— aforesaid in the parish of —— in the said county, he the said C. D. apprehended the said E. F. then and there wandering abroad and begging, pretending to be a sea-faring man, contrary to the form of the statute in such case made and provided; and thereupon the said C. D. prayeth of me the said justice that the said E. F. may be dealt with according to law for his said offence: whereupon the said E. F. is asked by me the said justice if he can say any thing for himself why he the said E. F. should not be convicted of the offence above charged upon him in form aforesaid, who pleadeth that he is not guilty thereof. Whereupon I do now proceed to examine into the truth of the complaint so brought by the said C. D. against the said E. F. and thereupon on the day and year first aforesaid, at the parish of —— aforesaid in the county aforesaid, the said C. D. being a credible witness, on his corporal oath upon the Holy Evangelists of God now administered to him by me the said justice, in the presence and hearing of the said E. F. deposeth and saith, that on the —— day of ——, in the year aforesaid, at —— aforesaid in the parish aforesaid in the county aforesaid, he the said C. D. saw

the said E. F. wandering abroad and begging, pretending to be a sea-faring man; and that he the said C. D. heard the said E. F. beg charity of several persons, saying that he was a sea-faring man; and the said E. F. doth not produce before me any evidence to gainsay the same; therefore it manifestly appears to me the said justice, that the said E. F. is guilty of the offence above charged upon him, in manner and form as in and by the said complaint alleged, and is thereby a rogue and vagabond within the true intent and meaning of the said statute. It is therefore adjudged by me the said justice, that the said E. F. be convicted of the said offence, and he is hereby by me accordingly convicted of the said offence so charged upon him in and by the said complaint, according to the form of the statute in that case made and provided. And I do order the said E. F. to be sent, and the said E. F. is by me accordingly committed to the house of correction at —— in the said county, there to remain until the next quarter sessions of the peace to be held in and for the said county; and have you him then there, together with this precept, unless he be sooner discharged by due course of law, according to the form of the statute in such case made and provided. In testimony whereof, I the said justice to this record of conviction have put my hand and seal, at —— aforesaid in the county aforesaid, the said —— day of ——, in the said 57th year of the reign of our Sovereign Lord King George III. and in the year of our Lord 1817.

S. P.

(If the Conviction be under 39 and 40 Geo. III. c. 50, *it should be thus.)*

And giveth me to understand and be informed, that after the passing of a certain act of parliament made in the 39th and 40th year of His present Majesty's reign, intituled, "An Act to extend the provisions of an Act made in the 17th year of the reign of King Geo. II. intituled, 'An Act to amend and make more effectual the Laws relating to Rogues, Vagabonds, and other idle and disorderly Persons, and to Houses of Correction;'" they the said C. D. and E. F. in the night, that is to say between the hours of eight of the clock at night and six in the morning, between the first day of October and the first day of

February, to wit, about the hour of eleven in the night of the —— day of January last, at the parish of —— in the said county of ——, were found in an open ground in —— chase, there having a gun for the purpose and with the intent to destroy hares &c. [*or* did then and there wilfully destroy a hare &c.] contrary to the statute in that case made and provided, &c.

[*If the offender is committed for a less time than until the next session, add, after the words* "house of correction at —— in the said county," there to remain for the space of six weeks, being a less time than until the next general quarter sessions of the peace to be holden in and for the said county.]

Conviction and Commitment of a Person as a Rogue and Vagabond for having deserted his Family.

—— to wit. Be it remembered that on the —— day of ——, in the 57th year of the reign of our Sovereign Lord George the Third, by the grace of God, of the United Kingdom of Great-Britain and Ireland King, &c. and in the year of our Lord 1817, A. B. constable of the parish of —— in the county of ——, bringeth before me S. P. Esq. one of the justices of our said Lord the King, assigned to keep the peace of our said Lord the King in and for the said county, and also to hear and determine divers felonies, trespasses and other misdemeanors in the said county committed, the body of C. D. and chargeth and accuseth him the said C. D. before me the said justice, of being a rogue and vagabond, within the intent and meaning of the statute made and passed in the 17th year of the reign of His late Majesty King George the second, intituled "An Act to amend and make more effectual the Laws relating to Rogues, Vagabonds, and other idle and disorderly Persons, and to Houses of Correction," for that he the said C. D. hath run away and left his wife and —— children, whereby they have become chargeable to the parish of —— in the county aforesaid, contrary to the form of the statute in such case made and provided; and thereupon he the said A. B. prayeth of me the said justice that the said C. D. may be dealt with according to law for his said offence; whereupon the said C. D. is now asked by me the said justice if he can say any thing for himself why he the said C. D. should not be convicted of the offence above charged

upon him in form aforesaid, who pleadeth that he is not guilty thereof. Whereupon I the said justice do now proceed to examine into the truth of the complaint so brought by the said A. B. against the said C. D. and thereupon, on the day and year first aforesaid, at the parish of —— in the county aforesaid, E. F. churchwarden of the parish of —— aforesaid, and G. H. one of the overseers of the poor of the said parish of ——, credible witnesses in that behalf, on their corporal oath upon the Holy Evangelists of God now here duly administered to them respectively, by me the said justice, in the presence and hearing of the said C. D. depose and say that the said C. D. hath run away and left his wife and —— children, whereby they have become chargeable to the parish of —— aforesaid; and he the said C. D. having heard the said evidence, and being asked by me the said justice if he can say any thing for himself or shew any cause before me why he should not be convicted of the offence so charged upon him as aforesaid, doth not say any thing for himself or offer any evidence to gainsay the same; therefore it manifestly appeareth to me the said justice that the said C. D. is guilty of the offence above charged upon him in manner and form as in and by the said complaint is alleged, and that he is thereby a rogue and vagabond within the true intent and meaning of the said statute. It is therefore adjudged by me the said justice that the said C. D. be convicted of the said offence, and he is hereby by me accordingly convicted of the said offence so charged upon him in and by the said complaint, and adjudged to be a rogue and vagabond within the intent and meaning of the statute aforesaid And I do order the said C. D. to be sent, and the said C. D. is by me accordingly committed to the house of correction at —— in the said county, there to remain until the next general quarter sessions of the peace to be held in and for the said county, then and there to be further dealt with according to law, unless he be sooner discharged by due course of law according to the form of the statute in such case made and provided. In testimony whereof I the said justice to this record of conviction have put my hand and seal, at —— in the county aforesaid, on the day and year first above written.

S. P.

Commitment of a Person as an incorrigible Rogue, for having deserted his Family a second time.

To the Governor or Keeper of the House of Correction, at ——.

—— to wit. Receive into your custody the body of A. B. of —— in the county of ——, herewith sent you, brought before me S. P. Esq. one of His Majesty's justices &c. and charged before me by C. D. overseer of the poor of the parish of ——, upon oath, with being an incorrigible rogue, for that he the said A. B. being adjudged a rogue and vagabond, and thereof convicted by me the said S. P. and committed to the house of correction for having deserted his wife and —— children and leaving them chargeable to the said parish of ——, hath since the said conviction and commitment again deserted his said wife and —— children, and left them chargeable to the said parish of ——; by reason whereof he the said A. B. hath become an incorrigible rogue, within the intent and meaning of the statute made and passed in the 17th year of the reign of His late Majesty King George the Second, intituled "An Act to amend and make more effectual the Laws relating to Rogues and Vagabonds, and to other idle and disorderly Persons, and to Houses of Correction," of which offence he the said A. B. hath been convicted by me the said justice; and him the said A. B. safely keep in your custody until he shall be discharged by due course of law, and for so doing this shall be your sufficient warrant.

Given under my hand and seal, the —— day of ——, 1817.

S. P.

Conviction of the same as an incorrigible Rogue, by the Quarter Sessions.

—— to wit. Be it remembered, that at the general quarter sessions of the peace, holden at ——, before W. W. Esq. S. P. Esq. and other their companions, justices of our Lord the King, assigned to keep the peace of our said Lord the King, in the county aforesaid, and also to hear and determine divers felonies, trespasses and other misdemeanors committed in the said county, A. B. late of ——, labourer, having been com-

mitted to the custody of the gaoler or keeper of the house of correction at —— in the said county, under the hand and seal of S. P. Esq. one of the justices &c. assigned &c. and also to hear &c. and bearing date the —— day of ——, which said warrant was issued by the said justice, by virtue of a certain conviction made before the granting of the said warrant, bearing date the day and year last aforesaid, whereby the said A. B. was convicted before the said S. P. the justice aforesaid, in pursuance of an act passed in the 17th year &c. intituled &c. was become an incorrigible rogue within the true intent and meaning of the said act; and the said A. B. is now brought into this court and is now charged with the said offence; and the said court having examined into the circumstances of the said case, and the premises having been seen and understood by the said court, it is considered by the court here that the said A. B. be and is hereby accordingly adjudged an incorrigible rogue, and this court doth adjudge and order that the said A. B. be committed, and he is hereby committed to the house of correction at ——, for the space of six months, [*or any time not exceeding two years.*]

Conviction of a reputed Thief, under 51 Geo. III. c. 119.

—— to wit. Be it remembered, that on the —— day of ——, in the year of our Lord 1817, A. B. is brought before me S. P. Esq. one of His Majesty's justices of the peace for the said county, and charged before me the said justice with being a rogue and vagabond, he the said A. B. having been apprehended on the —— day of ——, in a certain ——, called ——, in the parish of —— in the said county, [*or*, city, &c.] and it appearing to me the said justice, on the oath of C. D. a credible witness, that the said A. B. is a person of evil fame and a reputed thief; and the said A. B. on his examination before me not being able to give a satisfactory account of himself or his way of living, and it also appearing to the satisfaction of me the said justice that there is just ground to believe that the said A. B. was in such —— aforesaid with intent to commit felony on the persons or property of His Majesty's subjects there being: I do therefore, in pursuance of an act passed in the 51st year of the reign of King George the Third, intituled [*insert the title*], convict him the said A. B. of the said offence,

and adjudge him to be a rogue and vagabond within the intent and meaning of the statute made in the 17th year &c. intituled &c. and that he for his said offence be committed to the house of correction for the said county until the next general [*or*, quarter] sessions of the peace to be holden for the said county, then and there to be dealt with according to law, [*or, if committed for a less time than until the sessions, say*, there to remain for the space of ——.] .

Commitment of a Rogue and Vagabond found Begging, under 17 Geo. II. c. 5.

Receive &c. the body of A. B. brought before me S. P. Esq. one &c. by C. D. constable of ——, charged on the oath of E. F. with being a rogue and vagabond, viz. apprehended wandering and begging in the parish of ——, not having gained a legal settlement there, contrary to the statute &c.

The like as an incorrigible Rogue refusing to be examined.

Receive &c. the body of A. B. an incorrigible rogue, charged and convicted on the oath of C. D. as an incorrigible rogue, having been apprehended wandering and begging in the parish of —— in the said county, and having refused to be examined on oath touching his settlement, he the said A. B. being first informed of the pains and penalties of the law on such refusal, contrary to the statute &c. and him safely keep until the next sessions &c.

VICTUALLERS. (See "*Alehouse.*")

WARRANT.

The verbal command of a justice to any person to apprehend a felon is a good warrant, if the felony is committed in his view; but if in his absence a written warrant is necessary. 2 *H. H.* 86. and gene-

rally where a statute gives a justice jurisdiction over any offence, it gives by implication a power to bring the offender before him by warrant. 2 *Haw. c.* 13, *s.* 15. but in cases between party and party, as for servants wages, &c. a summons is the proper process. No warrant should issue without information taken in writing on oath. 2 *Barnard*, 34, 77, 101. and it is prudent to bind over the party requiring the warrant to give evidence. *Dalt. c.* 169. A justice may, on sufficient grounds, grant a warrant on suspicion only. 2 *Haw. c.* 13, *s.* 18. and that though the original suspicion be not in himself but in the party praying the warrant. 2 *H. H.* 107, 110.—A general warrant to apprehend all persons suspected is void; and to apprehend the authors, &c. of a libel without naming them, is illegal. 1 *B. C. Rep.* 555.—In respect to the form of a warrant, it is safe to set forth the place where granted and the county.—It should be directed to the constable or other peace officer of the parish, &c. where it is to be executed. 2 *Haw. c.* 13. *s.* 27. It may be stiled in the name of the King, but the *teste* must be under the name of the justice who grants it; or it may be made in the name of the justice only, or without any stile, and only under the *teste* of the justice, and subscribed by him.

If it be for the peace or good behaviour, where sureties are to be found, it should state the special cause; but if for murder, treason or felony, it may be to answer such things as shall be alleged on be-

half of the King. 2 *Haw. c.* 13, *s.* 25. and it is prudent in all cases to state the particulars of the crime. *Lamb.* 87.—If the warrant be to bring the offender before any justice, the officer has his election to bring him either before the justice granting it, or any other of the county; but the prisoner has no choice. 1 *H. H.* 582.—It should state the day and year it is granted, and the place where the offence is committed. 2 *Haw. c.* 13, *s.* 22.—It should also be under hand and seal, though it is not absolutely necessary, unless directed by statute.

By 24 *Geo. II. c.* 55, warrants may be executed in another county, on oath being made of the justice's hand-writing, and indorsement on the warrant by the justice acting in and for the jurisdiction to which the party is removed.—See title, "*Arrest*," and "*Search Warrant*."

Warrant in the King's Name.

George III. by the grace of God of the United Kingdom of Great-Britain and Ireland King, Defender of the Faith, to our Sheriff of the county of ——, to the High Constable of the hundred of —— in the same county, and to the Petty Constables of the town of —— in the same county, and to all and singular our Bailiffs and Ministers in the said county, as well within Liberties as without, greeting.

—— to wit. Forasmuch as A. B. of —— hath come before S. P. Esq. one of our justices, assigned to keep our peace within the said county, and hath &c. [*concluding it in the justice's name, thus*], Witness the said S. P. at ——, the —— day of ——.

(Or in the Justice's Name.)

S. P. Esq. one of the Justices of our Lord the King, assigned to keep the peace within the county aforesaid, to the Sheriff of the said county, to the Bailiff or Constable of the hundred of —— within the said county, to the Petty Constables of the town of —— within the said hundred and county, and to all other the Ministers and Officers of our said Lord the King within the said county, and to every of them, greeting.

—— to wit. Forasmuch as A. B. of &c.

Given under my hand and seal &c.

(Or in the common Form.)

To the Constable of the Parish of —— in the county of ——.

—— to wit. Whereas A. B. of —— in the said county, hath this day made information and complaint upon oath before me S. P. Esq. one of His Majesty's justices of the peace in and for the said county, that C. D. late of —— in the said county [*state the offence*]. These are therefore to command you in His said Majesty's name, forthwith to apprehend and bring before me or some other justice of the peace for the said county, the body of the said A. B. to answer unto the said complaint, and to be further dealt with according to law. Herein fail you not.

Given under my hand and seal &c.

S. P.

Indorsement on a Warrant to be executed in another County.

Forasmuch as proof upon oath hath been made before me S. P. Esq. one of His Majesty's justices of the peace for the said county of ——, that the name A. B. is of the hand writing of the justice of the peace within mentioned, I do hereby authorize C. D. who bringeth to me this warrant, and all other persons to whom the said warrant is directed, to execute the same within the said county of ——.

Given under my hand &c.

S. P.

Warrant to apprehend for not appearing to an Indictment.

To all Constables and others His Majesty's Officers of the Peace whom these may concern.

—— to wit. These are in His Majesty's name to command you and every of you, upon sight hereof, to take and bring before me S. P. Esq. or some other of His Majesty's justices of the peace for the said county, the body of A. B. who stands indicted at the last [general] sessions of the peace, held at —— in and for the said county, for assaulting &c. [*as the fact is*], to which indictment the said A. B. hath not as yet appeared or pleaded, as appears to me by a certificate under the hand of —— Esq. clerk of the peace for the said county. Hereof fail not at your peril.

Given under my hand and seal, the —— day of ——, in the year of our Lord 1817.

S. P.

Supersedeas of a Warrant, the Party having found Sureties.

To all Constables, Headboroughs, and all other His Majesty's Peace Officers for the county of ——, whom it may concern.

—— to wit. Whereas A. B. of ——, has this day found sufficient sureties before me J. C. Esq. one of His Majesty's justices &c. for his personal appearance at the next general quarter sessions of the peace to be holden at —— in and for the said county, then and there to answer the complaint of C. D. for assaulting and beating him [*or as the fact is*]. These are therefore in His Majesty's name to charge and command you and every of you immediately on sight hereof not to arrest, imprison, molest or any otherwise detain the body of the said A. B. for or by reason or means of the fact above mentioned and no other, and this shall be for you and each of you a sufficient warrant.

Given under my hand and seal &c.

[For form of *supersedeas* on surety for the peace being found, see p. 791, and for a *liberate* after commitment for want of sureties, see p. 793.]

WATCH.

Justices of the peace are authorized by their commission to appoint a watch, but it is usually done by order of the sessions. 2 *H. H.* 97. A watchman may deliver a person apprehended by himself to a constable, or convey him to a justice to be examined. *Dalt. c.* 104. Any person refusing to watch in his turn at the command of the constable, he may present the default to the assize or sessions, or complain to any justice of the peace, who may bind the offender to his good behaviour and over to the next sessions. *Ibid.*—Watching is generally regulated by local acts of parliament.

Commitment of a Person apprehended by the Watch.

To the Constable of —— and to the Keeper of the House of Correction at ——.

—— to wit. Whereas A. B. was yesterday, in the night, taken by the watch set by the constable of ——, wandering abroad and lodging in barns, out-houses or in the open air, and is this day brought before me S. P. Esq. one of the justices of our Lord the King, assigned to keep the peace within the said county, and doth not now give a good account of himself before me: These are to require you the said constable of —— to convey the said A. B. to the said house of correction at —— aforesaid, and to deliver him to the keeper thereof, together with this warrant. And I do hereby require you the said keeper of the house of correction aforesaid, to receive the said A. B. into your custody in the said house of correction, and him there safely to keep until the next general quarter sessions of the peace to be holden in and for the said county, and have you him then there, together with this precept.

Given under my hand and seal &c.

S. P.

WEIGHTS AND MEASURES.

By 37 *Geo. III. c.* 143, justices at petty sessions are authorized to appoint proper persons to examine weights and balances within their division. *s.* 1. and the high constable may be so appointed within his hundred, or the constables or other parish officers within their parish, or other persons as justices think fit; and persons so appointed (being first sworn faithfully to execute the office), may as often as justices direct, enter in the day time any shop, mill, house, out-house and other premises near thereto, stall or standing-place of persons selling goods by retail, and search for and examine all weights and balances, and seize such as are defective, and the person in whose custody they are found shall, on conviction at the petty sessions on view, confession, or oath of one witness, forfeit not more than 20s. nor less than 5s. with costs, to be levied by distress, by warrant of two justices, who shall cause weights, &c. to be destroyed, the materials sold, and the money and fines to be paid to the treasurer of the county, in aid of the acts; justice to sign a return of the sum so raised, and transmit the same to the clerk of the peace at the quarter sessions. 35 *Geo. III. c.* 102. 37 *Geo. III. c.* 143, *s.* 1, 2.—Standard weights to be purchased by justices out of the county rates, to be deposited with a proper person and in a convenient place

within the county, and the sessions may allow a reasonable compensation to inspectors out of the county rate. *s.* 4.

A majority of the inhabitants at a vestry holden for that purpose may propose any person as an examiner, for the approbation of the justices. 37 *Geo. III. c.* 143, *s.* 4. but not till the parish has procured standard weights at their own expense, and allowing the person so named a recompense for his trouble out of the poor's rate. *s.* 5. Persons obstructing examiners, and retailers refusing to produce weights, &c. shall, on conviction before one justice, forfeit not more than 40*s.* nor less than 5*s.* to be levied and applied as aforesaid. 35 *Geo. III. c.* 102, *s.* 3. but persons are not punishable twice for the same offence. *s.* 5. Nothing in this act to extend to lessen the authority of courts leet or bodies corporate, touching weights and measures. *s.* 6. Information to be laid within a month after offence, and no conviction to be removed by *certiorari*. *s.* 7, 8.

The act 22 and 23 *C. II. c.* 12, regulates the measures of corn, salt, &c.—Persons selling by any other than standard measure, to forfeit 5*s.* on conviction before one justice, on oath of one witness, to be levied by parish officers to the use of the poor, by distress, and in default of distress, imprisonment till paid. 16 *C. c.* 19, *s.* 2. See title "*Corn.*"

By 55 *Geo. III. c.* 43, it is enacted that justices of the peace at their petty sessions may appoint one

or more person or persons to examine the measures within their districts. *s.* 1. and when such examiners appointed (having first been sworn faithfully to execute their office) they may as often as such justices direct, enter in the day time the shop, house, out-house, premises, stall or standing-place of persons who shall sell by retail and by measure of capacity any liquid or dry goods, or other articles, and examine such measures, and seize such as are not according to the Exchequer standard, and detain the same, to be produced before the justices at a petty sessions; and the person in whose shop, &c. such measures shall be found, on hearing the information to be preferred against him, shall on conviction or view, confession or oath of one witness, forfeit such measures, which shall be broken and disposed of as such justices shall direct; and also forfeit for each measure not exceeding 20*s.* nor less than 5*s.* with costs of conviction, to be levied by distress by warrant of the said justices or one of them; and if no distress, the offender to be committed to gaol or house of correction for not exceeding one month, unless penalties and costs sooner paid. *s.* 2.

Any person wilfully obstructing the examiner, or refusing to produce their measures to be examined, shall for such offence forfeit on conviction on oath before one or more justice or justices not exceeding £5. nor less than 40*s.* to be recovered in manner aforesaid. *s.* 3.

Justices to apply the forfeitures towards the expense of carrying this act into execution, and they shall cause returns of such forfeitures to be made and transmitted to the clerk of the peace. *s.* 4.

Examiners to have a reasonable recompense for their trouble allowed by the justices at the quarter sessions, to be paid out of the county rate. *s.* 5.

Justices may purchase proper measures out of the county rate, which measures shall be deposited with the clerk of the peace or some other proper person. *s.* 6.

The majority of the inhabitants in a vestry to be holden for that purpose, may nominate five householders, to be approved by justices at a petty sessions as examiners of measures. *s.* 7. but no such appointment to take place until proper measures are provided by the inhabitants; and justices at petty sessions may order the expense thereof, and also the recompense to be allowed to the examiners, to be paid out of the poor's rate of the said parish, &c. *s.* 8. No conviction to be removed by *certiorari*, and no person to be prosecuted unless by information on oath, and within six weeks after the offence committed. *s.* 13.

This act not to extend to bodies corporate or persons appointed by court leet, who may possess authority for examining, &c. measures within their respective jurisdictions. *s.* 12.

Information for Selling by Weights &c. contrary to the Standard.

—— to wit. The information and complaint of A. B. of the parish of —— in the county of ——, being a person duly appointed and sworn to examine the weights and balances within the division of —— in the said county, preferred at a petty sessions held for the said division at —— in the said county, before us, justices of the peace for the said county, acting for the said division, whose names are hereunder written, this —— day of ——, in the year of our Lord 1817, who on his oath saith, That in pursuance of the directions given him by the justices of the said division, he on the —— day of —— did enter into the shop [mill, out-house &c. *as the case is*] of and belonging to C. D. of ——, being a person who sells, by retail and weight, goods, wares and merchandizes, to search for, view and examine his weights and balances there, and the said C. D. then had in his possession, in the said shop [mill &c.] viz. [*describe the weights or balances defective,*] contrary to the statute in that case made and provided, whereby he hath incurred the forfeiture imposed by the said act of parliament for the said offence.

A. B.

Exhibited before us, the —— day of ——, 1817.

J. C.
S. P.

[The information, &c. for having false and deficient measures may be in the same form, *mutatis mutandis*, as the foregoing; the form of conviction is given by the act.]

Summons thereon.

To Mr. C. D. of the parish of —— in the county of ——.

—— to wit. Whereas A. B. of —— in the said county, a person duly appointed to examine the weights and balances within the division of —— in the county of ——, hath this day preferred an information against you, for having on the

—— day of —— defective weights and a false balance, the same not being according to the standard in the Exchequer, found in your shop, house or other premises, upon search by him made, viz. [*describe the defective weights &c. as in the information,*] contrary to the form of the statute in that case made and provided; whereby you have incurred the forfeitures mentioned in the said statute. These are therefore to require you personally to appear before us or such other of His Majesty's justices of the peace for the said county as shall be present at the petty sessions to be holden at —— in the said county, on —— the —— day of ——, at —— o'clock in the forenoon, then and there to answer the premises. Herein fail not.

Given under our hands and seals, this —— day of ——, in the year of our Lord 1817.

J. C.
S. P.

Conviction, on 37 Geo. III. c. 143.

—— to wit. Be it remembered that on the —— day of ——, in the year of our Lord 1817, at a petty sessions holden for the hundred [*or,* division] of —— in the said county, before J. C. and S. P. Esquires, justices of the peace acting in and for the said hundred [*or,* division], C. D. of —— in the said county was duly convicted before us the said justices, for that he the said C. D. on the —— day of —— now last past, at —— in the said county, contrary to the form of the statute in that case made and provided [*state the offence*], and we the said justices do declare and adjudge that the said C. D. hath forfeited the sum of £—— of lawful money of Great-Britain, for the offence aforesaid, to be applied as the law directs; and also the further sum of —— of like lawful money, for the reasonable costs and charges attending this conviction.

Given under our hands and seals on the day and in the year first mentioned.

J. C.
S. P.

Order for the Payment of the Penalty.

To Mr. C. D. of the parish of —— in the county of ——.

—— to wit. Whereas you are this day duly convicted before us, two of His Majesty's justices of the peace in and for the said county, for that you, being a person who sell, by retail and weight, provisions, goods, wares and merchandizes, on the —— day of —— 1817, at —— in the said county, contrary to the form of the statutes in that case made and provided, had in your house [shop, &c.] defective weights and a false balance, viz. [*as in the conviction*], whereby you have forfeited the sum of £- — for the said offence, and also the further sum of —— for the reasonable costs and charges attending the said conviction. We do therefore hereby order you the said C. D. to pay to A. B. of ——, being a person duly appointed to examine weights and balances within this division, the said several sums of —— and ——, to be by him paid and applied as the law directs.

Given under our hands and seals, this —— day of ——, in the year of our Lord 1817.

J. C.
S. P.

Conviction, under 55 Geo. III. c. 43.

—— to wit. Be it remembered that on the —— day of——, in the year of our Lord 1817, at a petty session holden at —— in the county of——, before us J. C. and S. P. Esquires, justices of the peace acting in and for the said ——, A. B. of —— in the said —— was duly convicted before us the said justices for that he the said A. B. on the —— day of —— now last past, at —— in the said ——, contrary to the form of the statute in that case made and provided [*state the offence*], and we the said justices do declare and adjudge that the said A. B. hath for such offence forfeited the sum of —— of lawful money of Great-Britain, to be applied as the law directs, and the further sum of —— of like lawful money, for the reasonable costs and charges attending this conviction.

Given under our hands and seals on the day and year first above mentioned.

J. C.
S. P.

Justices' Return of Penalties,

Under 37 *Geo. III. c.* 143, and 55 *Geo. III. c.* 43.

A RETURN of FORFEITURES levied by the Justices of the Peace in the County of ——, acting within the Division of —— in the said County, in pursuance of the several Acts of Parliament made for the more effectual prevention of the use of defective Weights and false and unequal Balances, or false and deficient Measures, between the —— day of —— and the —— day of —— following, viz.

Offenders' Names.	Residence.	Sums arising from Forfeitures.	Ditto from Sale of defective Weights and false Balances, or false and deficient Measures.	Day of Conviction.	Before whom Convicted.

WOOD.

By 43 *Eliz. c.* 7, *s.* 1, persons robbing orchards or gardens, or cutting any hedge, pales, rails or fences, or digging or pulling up or taking any fruit tree or trees in any orchard, garden or elsewhere, with intent to take and carry away the same; or who shall cut or spoil any woods or underwoods, poles or trees standing (the same not being a felonious taking) on conviction by confession, or oath of one witness, before one justice, shall give to the injured party such recompense as a justice shall appoint; and if not able to make, or such recompense is not made, the offender to be whipped.

The distinction referred to by this statute between a trespass and a felony is, that to take trees growing, or fruit upon trees, is only a trespass, but if severed from the freehold, as gathered fruit, or wood cut down, it is felony. 5 *Burn*, 646.

By 15 *C. II. c.* 2, every constable or other person, being an inhabitant, may apprehend a person suspected of carrying or having any burden of wood, underwood, poles or young trees, or bark, or gates, stiles, posts, pales, rails or hedge-wood, broom or furze, and by warrant of one justice may enter and search any suspected place, and if he shall find any wood, &c. to apprehend as well those carrying or taking away the same, as those in whose houses, &c. the same shall be found, and

carry such person or persons before a justice; and if he can give no satisfactory account how he came by it, or produce the party of whom it was bought or a witness to depose on oath as to the sale thereof, he shall be convicted of cutting and spoiling the same, and punished as by act of 43 *Eliz.* and further, besides making such recompense as justices shall appoint, shall pay any sum not exceeding 10s. to the poor, or in default justice may commit him to the house of correction for not exceeding one month, or to be whipped; for second offence commitment to hard labour for one month; and for third offence to be deemed an incorrigible rogue; but prosecution to be commenced within six weeks after offence committed. Any person buying burthens of wood, or poles or sticks of wood supposed to be stolen, one justice may examine on oath (within six weeks after offence) and if bought of a person justly suspected to have stolen it, he may award the party buying the same to pay treble the value to him from whom it was stolen; in default of payment may issue distress warrant, and in default of distress may commit offender for one month to gaol. *s.* 3, 4.

By 1 *Geo. I. st.* 2, *c.* 48, and 6 *Geo. I. c.* 16, *s.* 1, if any person shall in a riotous, open, tumultuous, or in a secret or clandestine manner maliciously cut down, destroy, break, bark, throw down, burn, take, deface, spoil or carry away any wood or springs of wood, underwood or coppice, or break

open, throw down, level or destroy any hedges, gates, posts, stiles, rails, fences, ditches, banks or inclosures of such woods, wood grounds, coppices, plantations, timber trees, fruit or other trees, thorns or quicksets, two justices on complaint of any inhabitant, or of the owner, may cause the offender to be apprehended; and on hearing the complaint and convicting the offender, may commit him to the house of correction to hard labour for three months; or if no house of correction, then to such prison as is appointed for criminals for four months, and shall order him to be whipped once a month during the three months by the master of the house of correction; and where no house of correction, then to be whipped once a month during the four months by the common hangman, and before his discharge he shall find sureties for his good behaviour for two years.

By 29 *Geo. II. c.* 36, *s.* 18, any person unlawfully cutting, taking, destroying, breaking, throwing down, barking, plucking up, burning, defacing, spoiling or carrying away any tree growing in any waste, wood or pasture, on which any person has right of common, shall on conviction incur the like penalty as by 6 *Geo. I. c.* 16.

By 6 *Geo. III. c.* 48, every person wilfully cutting, damaging, destroying or carrying away timber trees, or trees likely to become timber, or the lops or tops thereof, shall, on conviction, on oath of one witness before one justice, forfeit not more than

£20. with costs of conviction, and for non-payment shall be committed to the common gaol for not more than twelve nor less than six months, or until penalty and charges are paid; for a second offence to forfeit £30. and costs, and on non payment commitment for not more than eighteen nor less than twelve months, or until penalty and costs are paid; and for third offence he shall be deemed guilty of felony. Oak, beech, chesnut, walnut, ash, elm, cedar, fir, asp, lime, sycamore, birch, and by 13 *Geo. III. c.* 33, poplar, alder, larch, maple and hornbeam, are deemed timber trees.

Any person destroying, damaging or taking away roots, shrubs or plants, in fields, nurseries, gardens or other cultivated grounds, shall, on conviction, on oath of one witness before one justice, forfeit for first offence not more than 40s. and costs, and on non-payment to be committed to hard labour to the house of correction for one month and once whipped; for second offence to forfeit not more than £5. and costs, and on non-payment to be committed for three months and whipped once each month; and for third offence deemed guilty of felony. *s.* 3, 6.

Persons destroying, cutting or spoiling in woods any wood, underwood, pole sticks, green stubs or young trees, or carrying the same away, (or 9 *Geo. III. c.* 41, by night or day cutting down, &c. any hollies, thorns or quicksets, growing in the

King's forests, or the woods or grounds of any of his subjects,) or shall have the same in their custody without giving a satisfactory account thereof, shall on conviction, by oath of one witness before one justice, forfeit for the first offence not more than 40s. and costs, or be committed for non-payment to the house of correction for one month to hard labour, and once whipped there; for second offence to forfeit not more than £5. and costs, or committed for non-payment for three months to hard labour, and whipped once in each month; and for a third offence shall be deemed and punished as an incorrigible rogue; half the penalties to informer and half to party aggrieved. Any person hindering the execution of this act to forfeit £10. to him who shall convict, and if not paid, justice may commit offender to prison for six calendar months.

By 31 *Geo. II. c.* 35, *s.* 5, stealing, taking away or destroying madder roots growing, the offender on conviction before one justice, by confession or oath of one witness, shall for the first offence pay to the owner such recompense as the justice shall appoint, and 10s. to the use of the poor; and in default, he may be committed to the house of correction for not exceeding one month, or be whipped; and for a second offence shall be committed to the said house of correction for three months. Prosecution to be commenced within thirty days.

Warrant to search for Stolen Wood, under 15 C. II. c. 2.

To the Constable of ——.

—— to wit. Whereas A. B. of —— in the county of ——, yeoman, hath this day made oath before me S. P. Esq. one of His Majesty's justices of the peace for the said county, that divers quantities of wood, within the space of six weeks last past, have been cut, taken and carried away off and from his lands at —— in the said county [*or as the fact is*], contrary to the statute in that case made and provided; and that he hath just cause to suspect, and doth suspect, that the said wood or part thereof is concealed in the houses, out-houses, yards, gardens or other place belonging to the houses of C. D. of ——, yeoman, at —— aforesaid: These are therefore to require you to enter into and search the said houses, out-houses, yards, gardens or other places belonging to such houses of him the said C. D. at —— aforesaid; and if on such search you shall there find any such wood, that then you apprehend the person in whose house, out-house or other place it shall be found, and bring the said person before me or some other of His Majesty's justices of the peace for the said county, that such proceedings may be had thereupon as to law doth appertain.

Given under my hand and seal, at —— in the said county, the —— day of ——, in the year of our Lord 1817.

S. P.

Order for Satisfaction to the Owner.

—— to wit. Whereas A. B. of —— in the said county, yeoman, on the —— day of —— now last past, did make oath before me S. P. Esq. one of His Majesty's justices of the peace for the said county, that on or since the —— day of —— now last past, a certain quantity of wood, his property, at —— in the parish of —— in the county aforesaid, was cut and spoiled, and from thence taken and carried away; and that he had just cause to suspect, and did suspect, that C. D. of —— in the said county, yeoman, did cut, spoil, take and carry away the same. And whereas, the said C. D. was, on

the —— day of —— last past, apprehended by E. F. constable of —— in the said county, carrying wood suspected to be stolen by him the said C. D. [*or*, whereas a certain quantity of wood, to wit, *specify the same*, suspected to be stolen, was this day, by virtue of my warrant for that purpose directed to the constable of —— in the said county, found in the house, *or other place*, of the said C. D. at —— aforesaid.] And whereas the said C D. being now brought before me, hath not given to me any satisfactory account how he came by the said wood, nor can produce the party of whom he bought the same nor any credible witness to testify upon oath the sale thereof; therefore the said C. D. is convicted by me of cutting, spoiling, taking and carrying away the said wood. And whereas also, it is duly proved before me, that A. B. of —— aforesaid, yeoman, was and is the owner of the said wood, and that the said offence was committed at —— aforesaid in the parish of —— in the said county; I do therefore hereby order and appoint the said C. D. within the space of —— days now next ensuing, to pay unto the said A. B. the sum of ——, in recompense and satisfaction for the damages done unto him the said A. B. by the said C. D. in cutting, spoiling, taking and carrying away the said wood; and I do also hereby order the said C. D. within the space of —— days now next ensuing as aforesaid, to pay to the overseers of the poor of the parish of —— aforesaid, for the use of the poor of the said parish, the sum of 10s. for the said offence.

Given under my hand and seal, at —— in the said county, this —— day of ——, in the year of our Lord 1817.

S. P.

Commitment for Non-payment.

To the Constable of —— and to the Keeper of the House of Correction at —— in the county of ——.

—— to wit. Whereas A. B. of —— in the said county, yeoman, on the —— day of —— now last past, did make oath before me S. P. Esq. one of His Majesty's justices of the peace for the said county, that within the space of six weeks then last past, a certain quantity of wood, his property, at —— in the parish of —— in the county aforesaid, was cut and

spoiled, and from thence taken and carried away; and that he had just cause to suspect, and did suspect, that C. D. of —— in the said county, yeoman, did cut and spoil, take and carry away the same. And whereas the said C. D. [*as in the preceding order*]. And whereas the said C. D. on the —— day of —— now last past, having been brought before me, did not and could not give to me any satisfactory account how he came by the said wood, nor could produce the party of whom he bought the same, nor any credible witness to testify upon oath the sale thereof, and thereupon was by me convicted of cutting and spoiling the said wood, and ordered to pay to the said A. B. the owner of the said wood, the sum of —— within —— days then next ensuing, in recompense and satisfaction for damages, and also the sum of 10s. to the overseers of the poor of the parish of —— aforesaid, where the said offence was committed, for the use of the poor of the said parish. And whereas it appears to me, that the said several sums have been duly demanded of him the said C. D. but that he hath refused and doth refuse to pay, and hath not yet paid the same nor any part thereof; I do therefore hereby require you the said constable of —— aforesaid, to convey the said C. D. to the said house of correction at —— aforesaid, and to deliver him to the keeper thereof, together with this warrant. And I do hereby command you, the said keeper, to receive him into your custody in the said house of correction, and there to detain him for the space of —— days. Herein fail not.

Given under my hand and seal &c.

S. P.

[*If instead of being sent to the house of Correction he is ordered to be whipped, then say,*—I do therefore hereby command you the said constable forthwith to receive the said C. D. into your custody, and to strip him naked from the middle upwards and whip him until his body be bloody.]

Order for the Buyer of Stolen Wood to pay treble Damages.

15 Car. II. c. 2.

—— to wit. Whereas it hath been duly proved before me S. P. Esq. one of His Majesty's justices of the peace for the said county, that E. F. of ——, yeoman, did, within the space of six weeks now last past, buy several burdens of wood of

C. D. of ——, yeoman, and that the said C. D. is justly suspected to have stolen the same from A. B. of ——, yeoman, and that the said wood, at the time when the said E. F. so bought the same, was of the value of 5s. I do hereby order that the said E. F. do forthwith pay unto the said A. B. the sum of 15s. the same being treble the value of the said wood so by him bought as aforesaid.

Given under my hand and seal, at —— in the said county, the —— day of ——, in the year of our Lord 1817.

S. P.

Warrant of Distress for Non-payment.

To the Constable of ——.

—— to wit. Whereas on the —— day of —— now last past, it was duly proved before me S. P. Esq. one of His Majesty's justices of the peace for the said county, that E. F. of ——, yeoman, did, within the space of —— then last past, buy several burdens of wood of C. D. of ——, yeoman, and that the said C. D. was justly suspected to have stolen the same from A. B. of ——, and that the said wood, at the time when the said E. F. so bought the same, was of the value of 5s. And whereas, on the day aforesaid, I did order that the said E. F. should pay unto the said A. B. the sum of 15s. the same being treble the value of the said wood so by him bought as aforesaid; which said sum he hath not yet paid, nor any part thereof: These are therefore to command you to make distress of the goods and chattels of the said E. F. and if within the space of five days next after such distress by you made, the said sum of 15s. together with the reasonable charges of taking and keeping the said distress, shall not be paid, that then you do sell the said goods and chattels so by you distrained, and out of the money arising by such sale, pay the said sum unto the said A. B. returning the overplus, upon demand, unto the said E. F. the reasonable charges of taking, keeping and selling the said distress being thereout deducted.

Given under my hand and seal, at —— in the said county, the —— day of ——, in the year of our Lord 1817.

S. P.

Conviction for Cutting down Trees.—6 Geo. III.

—— to wit. Be it remembered that on the —— day of ——, in the year of our Lord 1817, A. B. of —— in the county of ——, yeoman, was, upon the complaint of C. D. of ——, yeoman, convicted before me S. P. Esq. one of the justices of the peace for the said county of ——, in pursuance of an act passed in the sixth year of the reign of His Majesty King George the Third, for that he the said A. B. did on the —— day of —— last, go into the wood grounds of and belonging to E. F. of —— in the parish of —— in the county aforesaid, and then and there [*state the facts*], not then having the consent of the said E. F. the owner of the said wood, nor of any other person entrusted with the care thereof; for which offence the said A. B. was by me the said justice ordered to forfeit and pay the sum of ——, together with —— for the charges and expenses previous to and attending the said conviction, this being his —— offence.

Given under my hand and seal, the day and year above written.

S. P.

Commitment for Destroying Trees, and Order to Whip the Offender.—1 Geo. st. 2, c. 48, and 6 Geo. c. 16.

To the Constable of ——, and to the Keeper of the House of Correction at —— in the county of ——.

—— to wit. Whereas A. B. of —— in the county aforesaid, yeoman, is this day duly convicted before us, J. C. and S. P. Esquires, two of His Majesty's justices of the peace for the said county, for that on the —— day of —— now last past, at —— in the county aforesaid, he the said A. B. did wrongfully and maliciously cut down two oak trees [*or as the fact is*], the property of C. D. of —— in the said county, Esq. without the consent of the said C. D. the owner thereof, or of any other person chiefly intrusted with the care and custody thereof. We do therefore hereby command you the said constable to convey the said A. B. to the said house of correction at ——

aforesaid in the county aforesaid, and to deliver him to the keeper thereof, together with this precept. And we do also hereby require you, the said keeper of the said house of correction, to receive the said A. B. into your custody in the said house of correction, and him there to keep to hard labour for the space of three months now next ensuing, and until he shall find sufficient sureties for his good behaviour for two years. And we do likewise hereby order you the said keeper of the house of correction, publicly to whip the said A. B. once in every month, during the said three months, in the market town of —— in the said county, on the market day there, between the hours of eleven and two. And for so doing this shall be your sufficient warrant.

Given under our hands and seals, at —— in the said county, the —— day of ——, in the year of our Lord 1817.

J. C.
S. P.

Conviction, under 29 Geo. II. c. 36, s. 8, *for cutting down and carrying away Trees on a Common.*

—— to wit. Be it remembered that on the —— day of ——, 1817, before us J. C. and S. P. Esquires, two of the justices of our Lord the King, assigned to keep the peace of our said Lord the King, and also to hear &c. comes A. B. of ——, at the house of me the said J. C. at ——, and giveth us the said justices to understand and be informed, that on the —— day of ——, C. D. of —— did, on and from —— in the parish of —— aforesaid, unlawfully cut down, take and carry away upon and from —— Common aforesaid, a great number of young oaks &c. until the cutting thereof standing and growing on —— Common as aforesaid in the parish aforesaid, in which said common divers persons then had right of common, and which said young oaks &c. were the property of the said A. B. against the form of the statute in such case made and provided; and thereupon afterwards, to wit on the —— day of ——, in the year aforesaid, before us the said justices, at —— aforesaid, comes as well the said C. D. he having been duly summoned before us the said justices for that purpose, as the said A. B. and the said C. D. having heard the said information read, he the said C. D. is asked by us the said justices if he can say any thing for himself why he should not be convicted

of the premises above charged against him, who pleadeth that he is not guilty of the said offence; and thereupon the said A. B. being duly sworn by us the said justices upon the Holy Gospel of God, to give evidence of the truth of and concerning the premises aforesaid contained in the said information, we the said justices having full power to administer the said oath to the said A. B. in this behalf, and he the said A. B. being a credible witness in this behalf, and being so sworn as aforesaid, upon his oath deposeth and saith [*state the substance of the evidence*], and the said C. D. not shewing to us any cause why he should not be convicted of the said offence charged against him in and by the said information; and we having fully heard all and every the matters and things by him alleged in his defence of and concerning the premises, and having fully and maturely understood and considered the same, do adjudge that the said C. D. is guilty of the said offence charged against him in and by the said information, and do accordingly convict him of the said offence; and do consider, order and adjudge that the said C. D. be committed to the house of correction in and for the said county, there to be kept to hard labour for the space of three months, without bail or mainprise; and do also order and adjudge, that the said C. D. be publicly whipped by the master of the said house of correction once every month during such three months, in the market town where the said house of correction stands, between the hours of eleven and two of the clock, according to the form of the statute in that case made and provided. In witness &c.

WOOLLEN.

By 28 *Geo. III. c.* 38, all former acts respecting the exportation of wool and sheep are repealed, and a variety of regulations and restrictions are consolidated in this act, to which it is advisable to refer, rather than consult an abstract of it. The penalties are chiefly recoverable in a court of law; for which reason, and because the acts relating to the Woollen Manufac-

tures have only a local operation, it is the less necessary to abstract the clauses. By 50 *Geo. III.* c. 83, the 1 *R. III.* c. 8.—5 *H. VIII.* c. 3.—27 *H. VIII.* c. 13, and 33 *H. VIII.* c. 19, are repealed. By 54 *Geo. III.* c. 78. the acts 9 and 10 *W. III.* and 28 *Geo. III.* c. 38, as far as respects the removal of wool within a certain distance, are repealed.

By 54 *Geo. III.* c. 108, the acts of 30 and 32 *Car. II.* for burying in woollen are repealed.

WRECK.

By 12 *Ann. st.* 2, c. 18, and 26 *Geo. II.* c. 19, it is enacted that justices, mayors, bailiffs, collectors of customs or chief constables, nearest to where any ship shall be stranded or cast away, shall convene a public meeting of the sheriff or his deputy, justices of the peace, mayors, coroners, and commissioners of land tax, or any five of them, who shall employ persons to save the same, and require the aid of constables and excise officers; and any justice, in the absence of the sheriff, may take sufficient power of the county, and they may command all ships at anchor near to assist, under pain of £100. to be paid by the officer refusing to the officer of the ship in distress. The persons assembled shall conform to the orders—1st of the master, owner or officers, and if not present, to officers of the customs; next to the officers of excise, then to

the sheriff or his deputy, then of a justice or mayor, then of a coroner, then of a commissioner of land tax, then of a chief and finally of a petty constable; any persons acting contrary to such orders to forfeit £5. to be levied by warrant of one justice, and for non-payment to be committed to house of correction for not more than three months.

Justices, &c. to have 4s. a day during their attendance, out of the goods saved.

Any person, without authority, entering on board the vessel or defacing the marks on goods, shall within twenty days make double satisfaction, at the discretion of the two next justices, or be sent to hard labour for twelve months to the house of correction. Reasonable salvage, to be allowed by three justices, to be paid to all persons assisting in preserving the cargo.

One justice may issue his warrant to search for any part of the cargo suspected to be concealed, and if same found and not restored on demand, the person in whose custody the same is found shall be committed to the common gaol for six months, or until he shall have paid treble the value.

If any person offers to sell such goods, the person to whom they are offered, or any excise, custom-house or peace officer may seize the same, and shall carry the same or give notice thereof to a justice; and if such person shall not in ten days satisfactorily prove his property therein, they shall be delivered to the real owner, on payment of a rea-

sonable reward to be ascertained by the justice, and offender to be committed for six months to the common gaol, or until he shall have paid treble the value, and reasonable reward, to be ascertained by a justice, to be paid to any person discovering such goods bought, sold or concealed.

Officer of customs to cause the crew of the vessel to be examined by a justice as to the occasion of the wreck, and of the names of the master, owner, &c. which shall be given to the officer of the customs, and transmitted by him to the Secretary of the Admiralty, to be inserted in the Gazette; and if no persons appear to claim the goods, the officer shall apply to the three nearest justices, who shall put him or some other responsible person in possession, taking an account in writing, to be signed by the officer; and if they are not claimed in a year, they may be sold (but if perishable immediately), and the money returned to the Exchequer till claimed by the owners. The clauses in these acts not to prejudice the rights of lords of manors.

By 48 *Geo. III. c.* 130, the powers of 12 *Ann*, for adjusting and recovering salvage in certain cases are extended; and by 53 *Geo. III. c.* 87, the last act, and also 49 *Geo. III. c.* 122, is continued in force for seven years from the 2nd of July, 1813.

ADDENDA.

ALEHOUSE.

IF a victualler hath not been licensed the year before the general licensing day, then these words must be inserted in the license:—"A certificate under the hands of the minister and parish officers of the said parish of —— having been first produced unto us, setting forth that the said —— is of good fame, and of sober life and conversation."

Precept to High Constable to give Notice to the Petty Constables of the —— special Days of Meeting appointed for granting or continuing Ale Licenses, agreeable to sec. 2 and 3 of 32 Geo. III. c. 59.

County of —— and Division of ——. } To W. S. Gent. High Constable of the hundred of —— in the said county.

We whose hands are hereunto set and seals affixed, His Majesty's justices of the peace acting in and for the division of —— in the said county, at our general meeting for licensing victuallers for the said division, this day assembled, do hereby require you forthwith to give notice to the several petty constables within your hundred of the following special days of meeting by us this day appointed, for granting or continuing ale licenses within the said division, agreeable to the statute made in the 32nd year of the reign of His present Majesty, requiring them to give public notice of the same special

days of meeting, by leaving one of the printed papers sent herewith with each alehouse keeper in their several and respective parishes, hamlets or divisions. Herein fail not.

Given under our hands and seals, this —— day of September, 1817.

J. C.
S. P.

1. Monday, November 1, 1817.
2.
3.
4. } at —— in ——, at 11
5. } o'clock in the forenoon.
6.
7.
8.

Notice to Alehouse Keepers of the special Days of Meeting for continuing or granting Ale Licenses.

Notice is hereby Given,

That His Majesty's justices of the peace, acting in and for the said hundred, will hold their special meetings at ——, in the said hundred and county, on the days and times hereunder written, to grant or continue licenses to such alehouses as were duly licensed at the general licensing day, in September 1817, in cases where the occupiers thereof, who, when so licensed shall happen to die or remove from their respective houses; and every new tenant or occupier must obtain a certificate in the parish where such house is situated, of his or her good fame, sober life and conversation, within thirty days after entering upon any house, and produce the same at the next special meeting hereunder-mentioned; and then and there personally enter into recognizance with sureties, as the statute directs, otherwise such license will be void.

1st Monday, November 1, 1817.
2d
3d } at 11 o'clock in the
4th } forenoon.
5th
6th

By order of the Magistrates,
W. T. Clerk.

ALIENS.

By 66 *Geo. III. c.* 86, aliens not departing the realm in pursuance of any proclamation requiring them so to do, to be committed to gaol. *s.* 1. and alien disobeying such proclamation, on conviction to suffer imprisonment for not exceeding one month for the first offence, and not exceeding twelve months for every subsequent offence. *s.* 2. Masters of vessels on their arrival shall declare in writing to the inspector of aliens or officer of the customs the number, names and descriptions of the aliens on board, under penalty of £10. for each alien. *s.* 4, 5.

Aliens on their arrival or departure to declare in writing to the inspector, or custom-house officer their names, description and occupation, &c. neglecting to make such declaration, or making a false one, may be imprisoned for not exceeding three months, or may be adjudged to depart the kingdom within a limited time, and on neglect may be imprisoned not exceeding twelve months. *s.* 7. Inspector of aliens or officer of customs to give a certificate of such declaration to aliens, who shall within a week after their arrival produce such certificate to the chief magistrate or a justice of the place in which such alien shall be; or if certificate lost, to deliver a particular description thereof, and on neglect or refusal shall on conviction before two justices be imprisoned not exceeding one

month. *s.* 8, 9. Mayor or one or more justices may apprehend by warrant suspected aliens, and shall transmit an account of their proceedings to the Secretary of State. *s.* 10. Justices shall grant certificates in lieu of such as shall appear to be lost or destroyed. *s.* 11. and justices to whom such certificate shall be produced, shall transmit copy thereof to the Secretary of State. *s.* 12. No fee to be taken for such certificate under penalty of £10. and inspector of aliens or officer of customs refusing or neglecting to make an entry of the declaration, or to grant any certificate thereon, or making a false entry, to forfeit £20. *s.* 13. Act not to extend to aliens not more than fourteen years old. *s.* 15. Any justice may admit an alien to bail under authority of the Secretary of State. *s.* 17.

Penalties exceeding £10. to be recovered by action, and not exceeding that sum before any justice of the peace where offence committed; to be recovered by distress and sale, and for want of distress, the offender to be committed for any time not exceeding six calendar months. *s.* 20. Act to continue in force two years from the 26th of June, 1816, and until the end of the session of Parliament (if sitting) in which the two years shall expire. *s.* 24.

APPRENTICES.

By 56 *Geo. III. c.* 139, it is enacted that after the 1st day of October 1816, before any child shall

be apprenticed by the overseers, &c. of any parish, &c. such child shall be carried before two justices of the division, &c. where such parish shall be situate, who shall enquire into the propriety of binding such child apprentice to the person to whom it is proposed to bind such child; and such justices shall enquire and consider whether such person resides or carries on his business within a reasonable distance from the place to which such child shall belong, having regard to the means of communication between such places, or whether any circumstances shall make it fit that such child should be placed apprentice at a greater distance; and if the father or mother of the child shall be living and reside in or near the place to which such child shall belong, such justices shall if they see fit examine such father or mother, or either of them, and shall particularly enquire as to the distance of the residence or place of business of the person or persons to whom it shall be proposed to place such child, and the means of communication therewith; and such justices shall also enquire into the circumstances and character of such person or persons; and if such justices shall upon such examination and enquiry think it proper that such child should be bound apprentice to such person or persons, such justices shall make an order declaring that such person or persons is or are a fit person or persons to whom such child may be properly bound as an apprentice, and shall thereupon order

that the overseer or overseers of the place to which such child shall then belong, shall be at liberty to bind such child apprentice accordingly, which order shall be delivered to such overseer or overseers as the warrant for binding such child apprentice as aforesaid; and such order shall be referred to by the date thereof and the names of the said justices in the indenture of apprenticeship of such child, and after such order shall have been made, such justices shall sign their allowance of such indenture of apprenticeship before the same shall be executed by any of the other parties thereto. Provided always, that no child shall be bound apprentice to any person or persons residing or having any establishment in trade at which it is intended that such child shall be employed, out of the same county, at a greater distance than forty miles from the parish or place to which such child shall belong, unless such child shall belong to some parish or place which shall be more than forty miles from the city of London; in which case it shall be lawful for the justices who shall authorize the apprenticing of such child, to make a special order for that purpose, in which order such justices shall distinctly specify the grounds on which they shall think fit to allow of the apprenticing such child to a person or persons residing or having an establishment in trade at a greater distance than forty miles from the parish or place to which such child shall belong. *s.* 1. The indenture must be al-

lowed by two justices of the county into which the apprentice is to be bound, as well as by two justices of the county from which he is bound. *s.* 2. The distance to which apprentice may be bound, not to be limited to cities which are counties of themselves. *s.* 4. No settlement to be gained unless the directions of this act is complied with. *s.* 5. and overseers binding apprentices contrary thereto shall forfeit £10. for each apprentice. *s.* 6. No child to be bound until he shall be nine years old. *s.* 7. If master remove out of the county, or forty miles from the place where such child was bound, such master to give notice to the parish officers at least fourteen days previous to such removal, unless such master reside under a certificate, and then the like notice to the parish officers where such apprentice shall then be legally settled; and such parish officers and the master shall cause the apprentice to appear before two justices of the county within which such apprentice shall be serving, who shall enquire as to the propriety of the apprentice continuing or being discharged, or assigned to another person, as they shall see fit, and shall order the same accordingly; and if any master shall remove without such order, or abandon his apprentice, he shall forfeit £10. to the parish officers of the parish, &c. wherein he at the time of removal or taking such apprentice shall be legally settled, to the use of the poor; but information must be exhibited within three calendar months after commission of

the offence. *s.* 8. No master to discharge or transfer any apprentice without consent of justices, as directed by 32 *Geo. III. c.* 57, under a penalty of £10. for each apprentice so discharged, or transferred. *s.* 10. No indentures, by reason of which any expense shall be paid out of the public parochial fund, shall be valid, unless approved by two justices, in the manner directed by 43 *Eliz.* and by this act *s.* 11. Penalties to be recovered by information before any two justices of the county where offence committed. *s.* 12. and such justices may direct such penalties to be paid (after deducting costs) to the informer or the overseers of the poor of the parish where offence committed, or to the officers whereof such apprentice shall have been bound, for the use of the poor, or applied in binding the apprentice to any other person, or otherwise as the justices shall think fit. *s.* 13.

Penalties to be recovered by distress and sale, and in default of distress offender to be committed to the common gaol or house of correction for not less than one nor more than six months, to be appointed by the convicting justices. *s.* 14.

If penalty not paid within one calendar month after conviction, the convicting justices or any two other justices of the county may issue their warrant to apprehend and imprison the offender, notwithstanding he may have goods whereon to levy the penalty. *s.* 16.

Appeal allowed to general or quarter sessions within three months after offence committed, on giving notice in writing to the justices, and to the person or persons interested in such appeal, within twenty-one days after the act appealed against shall have taken place; and if such appeal shall be against any conviction, then entering into recognizance with two sureties before any justice of the county to appear at such general or quarter sessions, and abide the judgment of the court, and pay the costs which may be awarded. The appeal to be to the county sessions, and not to any district or liberty within the same. *s.* 17.

Provisions and penalties of this act to extend to churchwardens having the power and authority of overseers. *s.* 18.

Justice's permission to bind Apprentice, under 56 Geo. III. c. 139.

—— to wit. Whereas A. B. and C. D. overseers of the poor of the parish of —— in the county of ——, have on this —— day of ——, in the 57th year of the reign of His present Majesty, at the parish of —— in the said county, brought before us J. C. and S. P. Esquires, justices assigned to keep the peace in and for the said county of ——, and also to hear and determine divers felonies, trespasses and other misdemeanors in the said county committed, T. F. a poor male [*or, female, as the case may be*] child, of the age of —— and upwards [*the child's age must exceed nine years*], belonging to and having a settlement in the said parish of —— in the said county, and whose parents E. F. and C. F. are not able to maintain such child. And the said A. B. and C. D. as such overseers of the parish of ——, have proposed to us the said justices to bind such child to be an apprentice to one G. H. of the parish of —— in the county of ——, and residing within the distance of

forty miles from the parish and place to which the said child doth belong, and as an apprentice with him the said G. H. to dwell and serve, until the said T. F. shall come to the age of —— years, [*or, if a female, add*, or until the time of her marriage, which shall first happen,] according to the statutes in such case made and provided. And whereas we the said J. C. and S. P. having now here enquired into the propriety of binding such child apprentice to the said G. H. being the person to whom it hath been so proposed by such overseers to bind such child as aforesaid: And whereas we the said justices have now here particularly enquired and considered whether such person doth reside and have his place of business within a reasonable distance from the place to which such child doth so belong as aforesaid, having regard to the means of communication between such places, and whether any circumstances make it fit in the judgment of us the said justices that such child should be placed apprentice at a greater distance. [And whereas also we have now here examined the said E. F. and C. F. the father and mother of the said child, and who reside in the said parish and place to which the said child doth belong, *if this was not done, the words within these brackets should be omitted.*] And we have now here particularly enquired of the said E. F. and C. F. and otherwise, as to the distance of the residence and place of business of the said G. H. the person to whom it hath been so proposed to place such child, and the means of communication therewith. And whereas also we the said justices have also now here enquired into the circumstances and character of the said G. H. and on such examination and enquiry we the said justices think it proper that such child should be bound apprentice to the said G. H. Now therefore we the said justices do declare that the said G. H. is a fit person to whom the said child may be properly bound as apprentice as aforesaid; and we do therefore hereby order and direct that the said A. B. and C. D. the overseers of —— aforesaid, being the place to which such child doth belong, shall be and are at liberty to bind such child apprentice accordingly.

Given under our hands and seals, this —— day of ——, in the year of our Lord 1817.

J. C.
S. P.

Parish Indenture of Apprenticeship, under same Statute.

THIS INDENTURE made the —— day of ——, in the 57th year of the reign of our Sovereign Lord George III. by the grace of God of the United Kingdom of Great-Britain and Ireland King, Defender of the Faith, and so forth, and in the year of our Lord 1817, witnesseth that J. K. and L. M. churchwardens of the parish of ——, in the county of ——, and A. B. and C. D. overseers of the poor of the said parish, by and with the consent of His Majesty's justices of the peace for the said county of ——, whose names are hereunto subscribed, and by virtue and in pursuance of an order in writing made by and under the hands and seals of J. C. and S. P. Esquires, justices of the peace in and for the said county, in pursuance of the statute in that case made and provided, and bearing date the —— day of —— instant, have put and placed, and by these presents do put and place T. F. aged —— years, or thereabouts, a poor child of the said parish of —— apprentice to G. H. of &c. with him to dwell and serve from the day of the date of these presents until the said apprentice shall come to the age of ——, [*or, if a female, add*, or until she shall marry, which shall first happen] according to the statutes in that case made and provided; during all which term, the said apprentice his said master faithfully shall serve in all lawful businesses, according to his power, wit and ability: and honestly, orderly and obediently in all things demean and behave himself towards his said master and all his during the said term. And the said G. H. for himself, his executors and administrators, doth covenant and grant to and with the said churchwardens and overseers, and every of them, their and every of their executors and administrators, and their and every of their successors for the time being, by these presents, that he the said T. F. the said apprentice, in the art, trade or mystery of —— shall and will teach and instruct, or cause to be taught and instructed in the best way and manner that he can [*here insert any special or particular covenant*]; and shall and will during all the term aforesaid, find, provide and allow unto the said apprentice meet, competent and sufficient meat, drink, apparel, lodging, washing and other things necessary and fit for an apprentice: (*Provided always*, that the said last mentioned covenant, on the part of the said G. H. his executors and ad-

ministrators to be done and performed, shall continue and be in force for no longer time than for three calendar months next after the death of the said G. H. in case he the said G. H. shall happen to die during the continuance of such apprenticeship, according to the provisions of an act passed in the thirty-second year of the reign of King George the Third, intituled "An Act for the further Regulation of Parish Apprentices.") And also shall and will so provide for the said apprentice that he be not any way a charge to the said parish of ——, or parishioners of the same; but of and from all charge shall and will save the said parish harmless and indemnified during the said term.

In witness whereof, the parties abovesaid to these present indentures interchangeably have set their hands and seals the day and year first above written.

We whose names are hereunder written, justices of the peace for the county aforesaid, (whereof one is of the quorum); do consent to the putting forth T. F. an apprentice, according to the intent and meaning of this indenture; and do sign this our allowance of such indenture of apprenticeship before the same hath been executed by any of the other parties thereto, in pursuance of the statute in such case made and provided. Dated this —— day of ——, in the year of our Lord 1817.

J. C.
S. P.

Sealed and delivered
in the presence of

Conviction, under 56 Geo. III. c. 139.

—— to wit. Be it remembered that on the —— day of ——, in the year of our Lord 1817, A. B. of &c. is convicted before us J. C. and S. P. Esquires, two of His Majesty's justices of the peace for the county of ——, upon the information of C. D. of &c. for that [*state the offence*], contrary to the form of the statute passed in the 56th year of the reign of His

Majesty King George III. intituled "An Act to regulate the binding of Parish Apprentices," and for which offence we do adjudge that the said A. B. shall forfeit and pay the sum of ——, to be paid and applied as follows [*state the application*]; and in case such penalty shall not be paid by the said A. B. or levied by distress upon his goods and chattels within —— days from the date of this conviction, we adjudge that the said A. B. shall be imprisoned in —— for the space of ——.

Given under our hands and seals, the day and year first above mentioned.

J. C.
S. P.

BASTARDY.

Warrant to apprehend the reputed Father for disobeying Order of Filiation and Maintenance.

To the Constable of the parish of —— in the county of ——.

—— to wit. Whereas it hath been made appear to me S. P. Esq. one of His Majesty's justices of the peace for the said county, upon the oath of A. B. overseer of the poor of the said parish of ——, making complaint to me in this behalf, that by an order under the hands and seals of J. C. and S. P. Esqrs. two of His Majesty's justices of the peace for the said county of ——, (one whereof, at the time of making the said order, was of the quorum,) and both residing next unto the limits of the parish church of —— in the same county, C. D. of —— was adjudged to be the reputed father of a [male] bastard child, lately born of the body of E. F. single woman, at —— in the said parish of ——, and ordered to pay unto the churchwardens and overseers of the poor of the said parish of ——, the sum of ——; and that the said C. D. had due notice of the said order, a true copy thereof in writing having been personally delivered to him the said C. D. by G. H. one of the overseers of the poor of the said parish of ——, on the —— day of ——, and that no appeal hath been made to the court of quarter sessions against the said order; and that the said C. D. hath not yet paid the said sum of money; and that the said C. D. hath left his usual place of abode in the parish of ——, and hath avoided a demand of the said sum being made by the said G. H. and that

although payment of the said sum hath been duly demanded from the said C. D. by the said G. H. after the making the said order and notice thereof, yet that he the said C. D. refused to pay the same. These are therefore to command you, in His Majesty's name, to apprehend the said C. D. and bring him before me or some other of His Majesty's justices of the peace of the said county, to answer such complaint, and to be further dealt withal according to law. Herein fail you not.

Given under my hand and seal, this —— day of ——, in the year of our Lord 1817.

S. P.

COUNTY RATE.

By 56 *Geo. III. c.* 49, all messuages, lands, tenements and hereditaments situate in any extra-parochial place, though not deemed rateable to the poor, are to be subject to the county rate. *s.* 1. Justices at general or quarter sessions are required to appoint four justices (two for each county, &c.) to fix the boundaries between counties, ridings, divisions, or parts of counties, where any doubt or dispute shall have arisen touching such boundaries. *s.* 2. and either of the said four justices dying, declining, or becoming incapable of acting, another may be appointed in his room, by the justices at the general or quarter sessions. *s.* 3. If justices cannot agree upon the boundaries, they may appoint a referee, who shall within twenty-one days fix a time and place to meet such justices; and such referee, with the said justices, to determine the boundary in dispute, and the determination of the said justices and referee, or the major part of them, to be binding and conclusive. *s.* 4.

In cases of appeal to any rate under 55 *Geo. III.* c. 51. the same to be made to the next general or quarter sessions after the cause of appeal arisen, and fourteen clear days notice in writing of such appeal to be given previous to the sessions. The rate to be paid notwithstanding such notice, and to be repaid in whole or in part, if on the hearing of the appeal it shall be remitted or decreased. *s.* 5.

Return of Rental of the Parish, under 55 Geo. III. c. 51, *as charged to the Poor Rate, to be made on Oath by an Overseer, in open Court, on the first or second Day of the Michaelmas Quarter Sessions yearly.*

To the Worshipful His Majesty's Justices of the Peace for the county of ——, in their Quarter Sessions of the Peace assembled.

The return in writing, upon oath, of A. B. one of the overseers of the poor of the parish of —— in the county of ——, of the total amount of the rental or real value of the estates within the said parish, as charged and assessed to the poor's rate thereof at the time of making such return, and also of the proportionable mode of rating in pursuance of an act of parliament passed in the 37th year of the reign of His present Majesty, intituled, "An Act for empowering the Justices of the Peace for the county of Middlesex, at their General or Quarter Sessions of the Peace, to make a fair and equal County Rate for the said County." The total amount of the rental or value as charged and assessed to the poor's rate for the parish of —— abovementioned, at the time of making this return was £ ——. This district rates, as nearly as the parish officers can ascertain it at the rack rent or full value. [*or as the case may be.*]

Sworn in open court, the
—— day of ——, 1817.

A. B. Overseer of the Poor.

GAME.

By 56 *Geo. III. c.* 130, the act 39 and 40 *Geo. III. c.* 50, is repealed; and it is enacted that persons going armed or disguised in the night time, *i. e.* between eight o'clock at night and seven o'clock in the morning from the 1st of October to the 1st day of March, or between ten o'clock at night and four o'clock in the morning from the 1st day of March to the 1st day of October, with apparent intent to destroy game, may on conviction be transported for seven years, or such other punishment as is by law inflicted on persons guilty of a misdemeanor; and if offender returns from transportation before his time expires, he shall be transported for life. *s.* 1, 2.

Offenders may be apprehended and conveyed before a justice, or justice may issue his warrant to apprehend such offender, and if convicted, he may be admitted to bail, and in default of bail, may be committed till the next general or quarter sessions. *s.* 3.

GAOLS.

By 56 *Geo. III. c.* 116, it is enacted that the statute 55 *Geo. III. c.* 50, for abolishing gaol and other fees, shall extend to all prisoners as well criminal as civil, whether confined for debt or crime in any prison in England; and that the

gaolers and keepers of such gaols and prisons shall have compensation in lieu of fees abolished by that act, as by such act is provided. *s.* 3.

POOR.

By 56 *Geo. III. c.* 129, it is enacted that all enactments contained in any acts of parliament since the reign of *Geo. I.* whereby any poor persons other than such as shall actually apply for and receive parochial relief, are compelled to go or remain in any workhouse or house of industry, or where any poor person may be detained or kept therein at the discretion of the governors or directors thereof, or of the churchwardens or overseers of the poor, after such persons are capable of maintaining themselves; or whereby any poor person may be compelled to remain in such workhouse, &c. until the expenses of the parish, &c. for the maintenance of such poor person or his family shall be repaid or satisfied by the earnings of such poor person; or whereby any poor child is rendered liable to be apprenticed to any governor, &c. of any house of industry or workhouse, or whereby any parish, &c. at a greater distance than ten miles from such house of industry or workhouse shall hereafter be authorised to become contributors to or take the benefit of such house of industry or workhouse; or whereby any governors, &c. of such house of industry or workhouse are authorised to hire out

any poor person of full age, or to contract or agree with any person to have and take the profit of the labour of such person or persons, shall be and are by this act wholly repealed. *s.* 1.

No governor, &c. of any house of industry or workhouse to chain or confine any poor person of sound mind. *s.* 2.

RIOT.

By 56 *Geo. III. c.* 125, any person or persons riotously assembling and pulling down, destroying or damaging any engines or erections used in coal or other mines, or any bridge, waggon way or trunk erected for carrying coals or other minerals, shall be adjudged guilty of felony and shall suffer death. *s.* 1. and persons so injured may recover the value of their property destroyed, under 1 *Geo. I. c.* 5.—Owner or proprietor to give notice of such unlawful assemblies to the nearest magistrate, and to the constable and some resident housekeeper of such place where the assembly is held, within two days after the injury done, and within four days shall give in his examination or that of his servants on oath before any justice of the peace where offence committed; and if the person is known who committed the offence, such owner or proprietor shall be bound to prosecute. *s.* 3.

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ERRATA.

Page 124, line 21, *for* Just, *read* Inst.
—— 169, — 1, *for* revised, *read* revived.
—— 246, — 16, *for* to, *read* till.
—— 456, — 21, *for* 27 Geo. III. *read* 27 Geo. II.
—— 460, — 14, *for* writ, *read* riot.
—— 514, — 1, *for* notice *and* list, *read* notice *of* list.
—— 609, 10, and 11, (running title) *for* Rates, *read* Relief.
—— 686, after line 3, insert "The Petition and Appeal of the Churchwardens and Overseers of the Poor of the Parish of —— in the County of ——."

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